

2SSB 5070 - S AMD 175

By Senators Carrell, Regala, Hargrove

ADOPTED AS AMENDED 03/10/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The people of the state of Washington
4 expect to live in safe communities in which the threat of crime is
5 minimized. Attempting to keep communities safe by building more
6 prisons and paying the costs of incarceration has proven to be
7 expensive to taxpayers. Incarceration is a necessary consequence for
8 some offenders, however, the vast majority of those offenders will
9 eventually return to their communities. Many of these former offenders
10 will not have had the opportunity to address the deficiencies that may
11 have contributed to their criminal behavior. Persons who do not have
12 basic literacy and job skills, or who are ill-equipped to make the
13 behavioral changes necessary to successfully function in the community,
14 have a high risk of reoffense. Recidivism represents serious costs to
15 victims, both financial and nonmonetary in nature, and also burdens
16 state and local governments with those offenders who recycle through
17 the criminal justice system.

18 The legislature believes that recidivism can be reduced and a
19 substantial cost savings can be realized by utilizing evidence-based,
20 research-based, and promising programs to address offender deficits,
21 developing and better coordinating the reentry efforts of state and
22 local governments and local communities. Research shows that if
23 quality assurances are adhered to, implementing an optimal portfolio of
24 evidence-based programming options for offenders who are willing to
25 take advantage of such programs can have a notable impact on
26 recidivism.

27 While the legislature recognizes that recidivism cannot be
28 eliminated and that a significant number of offenders are unwilling or
29 unable to work to develop the tools necessary to successfully
30 reintegrate into society, the interests of the public overall are

1 better served by better preparing offenders while incarcerated, and
2 continuing those efforts for those recently released from prison or
3 jail, for successful, productive, and healthy transitions to their
4 communities. Educational, employment, and treatment opportunities
5 should be designed to address individual deficits and ideally give
6 offenders the ability to function in society. In order to foster
7 reintegration, this act recognizes the importance of a strong
8 partnership between the department of corrections, local governments,
9 law enforcement, social service providers, and interested members of
10 communities across our state.

11 **PART I - COMMUNITY TRANSITION COORDINATION NETWORKS**

12 NEW SECTION. **Sec. 101.** The definitions in this section apply
13 throughout this chapter unless the context clearly requires otherwise.

14 (1) A "community transition coordination network" is a system of
15 coordination that facilitates partnerships between supervision and
16 service providers. It is anticipated that an offender who is released
17 to the community will be able to utilize a community transition
18 coordination network to be connected directly to the supervision and/or
19 services needed for successful reentry.

20 (2) "Evidence-based" means a program or practice that has had
21 multiple-site random controlled trials across heterogeneous populations
22 demonstrating that the program or practice is effective in reducing
23 recidivism for the population.

24 (3) An "individual reentry plan" means the plan to prepare an
25 offender for release into the community. A reentry plan is developed
26 collaboratively between the supervising authority and the offender and
27 based on an assessment of the offender using a standardized and
28 comprehensive tool to identify the offenders' risks and needs. An
29 individual reentry plan describes actions that must occur to prepare
30 individual offenders for release from jail and specifies the
31 supervision and/or services he or she will experience in the community,
32 taking into account no contact provisions of the judgment and sentence.
33 An individual reentry plan must be updated throughout the period of an
34 offender's incarceration and supervision to be relevant to the
35 offender's current needs and risks.

1 (4) "Local community policing and supervision programs" include
2 probation, work release, jails, and other programs operated by local
3 police, courts, or local correctional agencies.

4 (5) "Promising practice" means a practice that presents, based on
5 preliminary information, potential for becoming a research-based or
6 consensus-based practice.

7 (6) "Research-based" means a program or practice that has some
8 research demonstrating effectiveness, but that does not yet meet the
9 standard of evidence-based practices.

10 (7) "Supervising authority" means the agency or entity that has the
11 responsibility for supervising an offender.

12 NEW SECTION. Sec. 102. (1) Each county or group of counties shall
13 conduct an inventory of the services and resources available in the
14 county or group of counties to assist offenders in reentering the
15 community.

16 (2) In conducting its inventory, the county or group of counties
17 should consult with the following:

18 (a) The department of corrections, including community corrections
19 officers;

20 (b) The department of social and health services in applicable
21 program areas;

22 (c) Representatives from county human services departments and,
23 where applicable, multicounty regional support networks;

24 (d) Local public health jurisdictions;

25 (e) City and county law enforcement;

26 (f) Local probation/supervision programs;

27 (g) Local community and technical colleges;

28 (h) The local worksource center operated under the statewide
29 workforce investment system;

30 (i) Faith-based and nonprofit organizations providing assistance to
31 offenders;

32 (j) Housing providers;

33 (k) Crime victims service providers; and

34 (l) Other community stakeholders interested in reentry efforts.

35 (3) The inventory must include, but is not limited to:

36 (a) A list of programs available through the entities listed in
37 subsection (2) of this section and services currently available in the

1 community for offenders including, but not limited to, housing
2 assistance, employment assistance, education, vocational training,
3 parenting education, financial literacy, treatment for substance abuse,
4 mental health, anger management, life skills training, specialized
5 treatment programs such as batterers treatment and sex offender
6 treatment, and any other service or program that will assist the former
7 offender to successfully transition into the community; and

8 (b) An indication of the availability of community representatives
9 or volunteers to assist the offender with his or her transition.

10 (4) No later than January 1, 2008, each county or group of counties
11 shall present its inventory to the policy advisory committee convened
12 in section 103(8) of this act.

13 NEW SECTION. **Sec. 103.** (1) The department of community, trade,
14 and economic development shall establish a community transition
15 coordination network pilot program for the purpose of awarding grants
16 to counties or groups of counties for implementing coordinated reentry
17 efforts for offenders returning to the community. Grant awards are
18 subject to the availability of amounts appropriated for this specific
19 purpose.

20 (2) By September 1, 2007, the Washington state institute for public
21 policy shall, in consultation with the department of community, trade,
22 and economic development, develop criteria for the counties in
23 conducting its evaluation as directed by subsection (6)(c) of this
24 section.

25 (3) Effective February 1, 2008, any county or group of counties may
26 apply for participation in the community transition coordination
27 network pilot program by submitting a proposal for a community
28 transition coordination network.

29 (4) A proposal for a community transition coordination network
30 initiated under this section must be collaborative in nature and must
31 seek locally appropriate evidence-based or research-based solutions and
32 promising practices utilizing the participation of public and private
33 entities or programs to support successful, community-based offender
34 reentry.

35 (5) In developing a proposal for a community transition
36 coordination network, counties or groups of counties and the department
37 of corrections shall collaborate in addressing:

1 (a) Efficiencies that may be gained by sharing space or resources
2 in the provision of reentry services to offenders;

3 (b) Mechanisms for communication of information about offenders,
4 including the feasibility of shared access to databases;

5 (c) Partnerships between the department of corrections and local
6 community policing and supervision programs to facilitate supervision
7 of offenders under the respective jurisdictions of each, as well as
8 timely and effective responses to an offender's failure to comply with
9 the terms of supervision.

10 (6) A proposal for a community transition coordination network must
11 include:

12 (a) Descriptions of collaboration and coordination between local
13 community policing and supervision programs and those agencies and
14 entities identified in the inventory conducted pursuant to section 102
15 of this act to address the risks and needs of offenders under a
16 participating county or city misdemeanor probation or other
17 supervision program including:

18 (i) A proposed method of assessing offenders to identify the
19 offenders' risks and needs. Counties and cities are encouraged, where
20 possible, to make use of assessment tools developed by the department
21 of corrections in this regard;

22 (ii) A proposal for developing and/or maintaining an individual
23 reentry plan for offenders;

24 (iii) Connecting offenders to services and resources that meet the
25 offender's needs as identified in his or her individual reentry plan
26 including the identification of community representatives or volunteers
27 that may assist the offender with his or her transition; and

28 (iv) The communication of assessment information, individual
29 reentry plans, and service information between parties involved with
30 offender's reentry;

31 (b) Mechanisms to provide information to former offenders regarding
32 services available to them in the community regardless of the length of
33 time since the offender's release and regardless of whether the
34 offender was released from prison or jail. Mechanisms shall, at a
35 minimum, provide for:

36 (i) Maintenance of the information gathered in section 102 of this
37 act regarding services currently existing within the community that are
38 available to offenders; and

1 (ii) Coordination of access to existing services with community
2 providers and provision of information to offenders regarding how to
3 access the various type of services and resources that are available in
4 the community; and

5 (c) An evaluation of the county's or group of counties' readiness
6 to implement a community transition coordination network including the
7 social service needs of offenders in general, capacity of local
8 facilities and resources to meet offenders' needs, and the cost to
9 implement and maintain a community transition coordination network for
10 the duration of the pilot project.

11 (7) The department of community, trade, and economic development
12 shall review county applications for funding through the community
13 transition coordination network pilot program and, no later than April
14 1, 2008, shall select up to four counties or groups of counties. In
15 selecting pilot counties or regions, the department shall consider the
16 extent to which the proposal:

17 (a) Addresses the requirements set out in subsection (6) of this
18 section;

19 (b) Proposes effective partnerships and coordination between
20 community policing and supervision programs, social service and
21 treatment providers, and the department of corrections' community
22 justice center, if a center is located in the county or region;

23 (c) Focuses on measurable outcomes such as increased employment and
24 income, treatment objectives, maintenance of stable housing, and
25 reduced recidivism;

26 (d) Contributes to the diversity of pilot programs, considering
27 factors such as geographic location, size of county or region, and
28 reentry services currently available. The department shall ensure that
29 a grant is awarded to at least one rural county or group of counties
30 and at least one county or group of counties where a community justice
31 center operated by the department of corrections is located; and

32 (e) Is feasible, given the evaluation of the social service needs
33 of offenders, the existing capacity of local facilities and resources
34 to meet offenders' needs, and the cost to implement a community
35 transition coordination network in the county or group of counties.

36 (8) The department of community, trade, and economic development
37 shall convene a policy advisory committee composed of representatives
38 from the senate, the house of representatives, the governor's office of

1 financial management, the department of corrections, to include one
2 representative who is a community corrections officer, the office of
3 crime victims' advocacy, the Washington state association of counties,
4 association of Washington cities, a nonprofit provider of reentry
5 services, and an ex-offender who has discharged the terms of his or her
6 sentence. The advisory committee shall meet no less than annually to
7 receive status reports on the implementation of community transition
8 coordination networks, review annual reports and the pilot project
9 evaluations submitted pursuant to section 105 of this act, and identify
10 evidence-based, research-based, and promising practices for other
11 counties seeking to establish community transition coordination
12 networks.

13 (9) Pilot networks established under this section shall extend for
14 a period of four fiscal years, beginning July 1, 2008, and ending June
15 30, 2012.

16 (10) This section expires June 30, 2013.

17 NEW SECTION. **Sec. 104.** Nothing in section 103 of this act is
18 intended to shift the supervising responsibility or sanctioning
19 authority from one government entity to another or give a community
20 transition coordination network oversight responsibility for those
21 activities or allow imposition of civil liability where none existed
22 previously.

23 NEW SECTION. **Sec. 105.** (1) It is the intent of the legislature to
24 provide funding for this project.

25 (2) Counties receiving state funds must:

26 (a) Demonstrate the funds allocated pursuant to this section will
27 be used only for those purposes in establishing and maintaining a
28 community transition coordination network;

29 (b) Consult with the Washington state institute for public policy
30 at the inception of the pilot project to refine appropriate outcome
31 measures and data tracking systems;

32 (c) Submit to the advisory committee established in section 103(8)
33 of this act an annual progress report by June 30th of each year of the
34 pilot project to report on identified outcome measures and identify
35 evidence-based, research-based, or promising practices;

1 (d) Cooperate with the Washington state institute for public policy
2 at the completion of the pilot project to conduct an evaluation of the
3 project.

4 (3) The Washington state institute for public policy shall provide
5 direction to counties in refining appropriate outcome measures for the
6 pilot projects and establishing data tracking systems. At the
7 completion of the pilot project, the institute shall conduct an
8 evaluation of the projects including the benefit-cost ratio of service
9 delivery through a community transition coordination network,
10 associated reductions in recidivism, and identification of evidence-
11 based, research-based, or promising practices. The institute shall
12 report to the governor and the legislature with the results of its
13 evaluation no later than December 31, 2012.

14 (4) This section expires June 30, 2013.

15 NEW SECTION. **Sec. 106.** (1) The community transition coordination
16 network account is created in the state treasury. The account may
17 receive legislative appropriations, gifts, and grants. Moneys in the
18 account may be spent only after appropriation. Expenditures from the
19 account may be used only for the purposes of section 103 of this act.

20 (2) This section expires June 30, 2013.

21 NEW SECTION. **Sec. 107.** Nothing in this act creates an entitlement
22 for a county or group of counties to receive funding under the program
23 created in section 103 of this act, nor an obligation for a county or
24 group of counties to maintain a community transition coordination
25 network established pursuant to section 103 of this act upon expiration
26 of state funding.

27 **Sec. 108.** RCW 72.09.300 and 1996 c 232 s 7 are each amended to
28 read as follows:

29 (1) Every county legislative authority shall by resolution or
30 ordinance establish a local law and justice council. The county
31 legislative authority shall determine the size and composition of the
32 council, which shall include the county sheriff and a representative of
33 the municipal police departments within the county, the county
34 prosecutor and a representative of the municipal prosecutors within the
35 county, a representative of the city legislative authorities within the

1 county, a representative of the county's superior, juvenile, district,
2 and municipal courts, the county jail administrator, the county clerk,
3 the county risk manager, and the secretary of corrections and his or
4 her designees. Officials designated may appoint representatives.

5 (2) A combination of counties may establish a local law and justice
6 council by intergovernmental agreement. The agreement shall comply
7 with the requirements of this section.

8 (3) The local law and justice council (~~((shall develop a local law~~
9 ~~and justice plan for the county. The council shall design the elements~~
10 ~~and scope of the plan, subject to final approval by the county~~
11 ~~legislative authority. The general intent of the plan shall include~~
12 ~~seeking means to maximize)) may address issues related to:~~

13 (a) Maximizing local resources including personnel and facilities,
14 (~~((reduce))~~) reducing duplication of services, and (~~((share))~~) sharing
15 resources between local and state government in order to accomplish
16 local efficiencies without diminishing effectiveness(~~(. The plan shall~~
17 ~~also include a section on jail management. This section may include~~
18 ~~the following elements:~~

19 ~~(a) A description of current jail conditions, including whether the~~
20 ~~jail is overcrowded;~~

21 ~~(b) A description of potential alternatives to incarceration;~~

22 ~~(c) A description of current jail resources;~~

23 ~~(d) A description of the jail population as it presently exists and~~
24 ~~how it is projected to change in the future;~~

25 ~~(e) A description of projected future resource requirements;~~

26 ~~(f) A proposed action plan, which shall include recommendations to~~
27 ~~maximize resources, maximize the use of intermediate sanctions,~~
28 ~~minimize overcrowding, avoid duplication of services, and effectively~~
29 ~~manage the jail and the offender population;~~

30 ~~(g) A list of proposed advisory jail standards and methods to~~
31 ~~effect periodic quality assurance inspections of the jail;~~

32 ~~(h) A proposed plan to collect, synthesize, and disseminate~~
33 ~~technical information concerning local criminal justice activities,~~
34 ~~facilities, and procedures;~~

35 ~~(i) A description of existing and potential services for offenders~~
36 ~~including employment services, substance abuse treatment, mental health~~
37 ~~services, and housing referral services.~~

1 ~~(4) The council may propose other elements of the plan, which shall~~
2 ~~be subject to review and approval by the county legislative authority,~~
3 ~~prior to their inclusion into the plan.~~

4 ~~(5))~~;

5 (b) Jail management;

6 (c) Mechanisms for communication of information about offenders,
7 including the feasibility of shared access to databases; and

8 (d) Partnerships between the department and local community
9 policing and supervision programs to facilitate supervision of
10 offenders under the respective jurisdictions of each and timely
11 response to an offender's failure to comply with the terms of
12 supervision.

13 (4) The county legislative authority may request technical
14 assistance in ~~((developing or implementing the plan from))~~ coordinating
15 services with other units or agencies of state or local government,
16 which shall include the department, the office of financial management,
17 and the Washington association of sheriffs and police chiefs.

18 ~~((6))~~ (5) Upon receiving a request for assistance from a county,
19 the department may provide the requested assistance.

20 ~~((7))~~ (6) The secretary may adopt rules for the submittal,
21 review, and approval of all requests for assistance made to the
22 department. ~~((The secretary may also appoint an advisory committee of~~
23 ~~local and state government officials to recommend policies and~~
24 ~~procedures relating to the state and local correctional systems and to~~
25 ~~assist the department in providing technical assistance to local~~
26 ~~governments. The committee shall include representatives of the county~~
27 ~~sheriffs, the police chiefs, the county prosecuting attorneys, the~~
28 ~~county and city legislative authorities, and the jail administrators.~~
29 ~~The secretary may contract with other state and local agencies and~~
30 ~~provide funding in order to provide the assistance requested by~~
31 ~~counties.~~

32 ~~(8) The department shall establish a base level of state~~
33 ~~correctional services, which shall be determined and distributed in a~~
34 ~~consistent manner statewide. The department's contributions to any~~
35 ~~local government, approved pursuant to this section, shall not operate~~
36 ~~to reduce this base level of services.~~

37 ~~(9) The council shall establish an advisory committee on juvenile~~
38 ~~justice proportionality. The council shall appoint the county juvenile~~

1 court administrator and at least five citizens as advisory committee
2 members. The citizen advisory committee members shall be
3 representative of the county's ethnic and geographic diversity. The
4 advisory committee members shall serve two year terms and may be
5 reappointed. The duties of the advisory committee include:

6 (a) Monitoring and reporting to the sentencing guidelines
7 commission on the proportionality, effectiveness, and cultural
8 relevance of:

9 (i) The rehabilitative services offered by county and state
10 institutions to juvenile offenders; and

11 (ii) The rehabilitative services offered in conjunction with
12 diversions, deferred dispositions, community supervision, and parole;

13 (b) Reviewing citizen complaints regarding bias or
14 disproportionality in that county's juvenile justice system;

15 (c) By September 1 of each year, beginning with 1995, submit to the
16 sentencing guidelines commission a report summarizing the advisory
17 committee's findings under (a) and (b) of this subsection.)

18 NEW SECTION. Sec. 109. If specific funding for the purposes of
19 sections 101 through 107 of this act, referencing sections 101 through
20 107 of this act by bill or chapter number and section number, is not
21 provided by June 30, 2007, in the omnibus appropriations act, sections
22 101 through 107 of this act are null and void.

23 NEW SECTION. Sec. 110. Sections 101 through 107 of this act
24 constitute a new chapter in Title 72 RCW.

25 **PART II - LIABILITY**

26 NEW SECTION. Sec. 201. A new section is added to chapter 4.24 RCW
27 to read as follows:

28 For the purposes of this chapter:

29 (1) "Limited jurisdiction court" means a district court or a
30 municipal court, and anyone acting or operating at the direction of
31 such court, including but not limited to its officers, employees,
32 agents, contractors, and volunteers.

33 (2) "Misdemeanant supervision services" means preconviction or
34 postconviction misdemeanor probation or supervision services, or the

1 monitoring of a misdemeanor defendant's compliance with a preconviction
2 or postconviction order of the court, including but not limited to
3 community corrections programs, probation supervision, pretrial
4 supervision, or pretrial release services.

5 (3) "Supervision or community custody" includes preconviction or
6 postconviction probation or supervision services, or the monitoring of
7 a defendant's compliance with a preconviction or postconviction order
8 of the court, including but not limited to community corrections
9 programs, probation supervision, pretrial supervision, or pretrial
10 release services. Community supervision also includes activities
11 associated with partnerships between corrections officers and law
12 enforcement that may exist for this purpose.

13 (4) "The state" means the state, the department of corrections, and
14 anyone acting under the direction of the state or department, including
15 but not limited to its officers, employees, agents, contractors, and
16 volunteers.

17 NEW SECTION. **Sec. 202.** A new section is added to chapter 4.24 RCW
18 to read as follows:

19 A limited jurisdiction court that provides misdemeanor supervision
20 services is not liable for civil damages based on the inadequate
21 supervision or monitoring of a misdemeanor defendant or probationer
22 unless the inadequate supervision or monitoring constitutes gross
23 negligence. This section does not create any duty and shall not be
24 construed to create a duty where none exists. Nothing in this section
25 shall be construed to affect judicial immunity.

26 NEW SECTION. **Sec. 203.** A new section is added to chapter 4.24 RCW
27 to read as follows:

28 The state is not liable for civil damages resulting from any act or
29 omission in the provision of supervision or community custody unless
30 the act or omission constitutes gross negligence. This section does
31 not create any duty and shall not be construed to create a duty where
32 none exists.

33 NEW SECTION. **Sec. 204.** A new section is added to chapter 4.24 RCW
34 to read as follows:

35 (1) The state is not liable for civil damages resulting from any

1 act or omission in the assessment, screening, or delivery of services
2 to an offender under supervision or community custody for the purpose
3 of creating, amending, maintaining, or implementing an individual
4 reentry plan, unless the act or omission constitutes gross negligence.

5 (2) A limited jurisdiction court is not liable for civil damages
6 resulting from any act or omission in the assessment, screening, or
7 delivery of services to an offender under supervision or community
8 custody for the purpose of creating, amending, maintaining, or
9 implementing an individual reentry plan unless the act or omission
10 constitutes gross negligence.

11 (3) This section does not create any duty and shall not be
12 construed to create a duty where none exists.

13 **PART III - INDIVIDUAL REENTRY PLAN**

14 **Sec. 301.** RCW 72.09.015 and 2004 c 167 s 6 are each amended to
15 read as follows:

16 The definitions in this section apply throughout this chapter.

17 (1) "Adult basic education" means education or instruction designed
18 to achieve general competence of skills in reading, writing, and oral
19 communication, including English as a second language and preparation
20 and testing services for obtaining a high school diploma or a general
21 equivalency diploma.

22 (2) "Base level of correctional services" means the minimum level
23 of field services the department of corrections is required by statute
24 to provide for the supervision and monitoring of offenders.

25 ((+2)) (3) "Contraband" means any object or communication the
26 secretary determines shall not be allowed to be: (a) Brought into; (b)
27 possessed while on the grounds of; or (c) sent from any institution
28 under the control of the secretary.

29 ((+3)) (4) "County" means a county or combination of counties.

30 ((+4)) (5) "Department" means the department of corrections.

31 ((+5)) (6) "Earned early release" means earned release as
32 authorized by RCW 9.94A.728.

33 ((+6)) (7) "Evidence-based" means a program or practice that has
34 had multiple-site random controlled trials across heterogeneous
35 populations demonstrating that the program or practice is effective in
36 reducing recidivism for the population.

1 (8) "Extended family visit" means an authorized visit between an
2 inmate and a member of his or her immediate family that occurs in a
3 private visiting unit located at the correctional facility where the
4 inmate is confined.

5 (~~(7)~~) (9) "Good conduct" means compliance with department rules
6 and policies.

7 (~~(8)~~) (10) "Good performance" means successful completion of a
8 program required by the department, including an education, work, or
9 other program.

10 (~~(9)~~) (11) "Immediate family" means the inmate's children,
11 stepchildren, grandchildren, great grandchildren, parents, stepparents,
12 grandparents, great grandparents, siblings, and a person legally
13 married to an inmate. "Immediate family" does not include an inmate
14 adopted by another inmate or the immediate family of the adopted or
15 adopting inmate.

16 (~~(10)~~) (12) "Indigent inmate," "indigent," and "indigency" mean
17 an inmate who has less than a ten-dollar balance of disposable income
18 in his or her institutional account on the day a request is made to
19 utilize funds and during the thirty days previous to the request.

20 (~~(11)~~) (13) "Individual reentry plan" means the plan to prepare
21 an offender for release into the community. It must be developed
22 collaboratively between the department and the offender and based on an
23 assessment of the offender using a standardized and comprehensive tool
24 to identify the offenders' risks and needs. The individual reentry
25 plan describes actions that must occur to prepare individual offenders
26 for release from prison or jail and specifies the supervision and
27 services they will experience in the community. An individual reentry
28 plan must be updated throughout the period of an offender's
29 incarceration and supervision to be relevant to the offender's current
30 needs and risks.

31 (14) "Inmate" means a person committed to the custody of the
32 department, including but not limited to persons residing in a
33 correctional institution or facility and persons released on furlough,
34 work release, or community custody, and persons received from another
35 state, state agency, county, or federal jurisdiction.

36 (~~(12)~~) (15) "Privilege" means any goods or services, education or
37 work programs, or earned early release days, the receipt of which are
38 directly linked to an inmate's (a) good conduct; and (b) good

1 performance. Privileges do not include any goods or services the
2 department is required to provide under the state or federal
3 Constitution or under state or federal law.

4 ~~((13))~~ (16) "Promising practice" means a practice that presents,
5 based on preliminary information, potential for becoming a
6 research-based or consensus-based practice.

7 (17) "Research-based" means a program or practice that has some
8 research demonstrating effectiveness, but that does not yet meet the
9 standard of evidence-based practices.

10 (18) "Secretary" means the secretary of corrections or his or her
11 designee.

12 ~~((14))~~ (19) "Significant expansion" includes any expansion into
13 a new product line or service to the class I business that results from
14 an increase in benefits provided by the department, including a
15 decrease in labor costs, rent, or utility rates (for water, sewer,
16 electricity, and disposal), an increase in work program space, tax
17 advantages, or other overhead costs.

18 ~~((15))~~ (20) "Superintendent" means the superintendent of a
19 correctional facility under the jurisdiction of the Washington state
20 department of corrections, or his or her designee.

21 ~~((16))~~ (21) "Unfair competition" means any net competitive
22 advantage that a business may acquire as a result of a correctional
23 industries contract, including labor costs, rent, tax advantages,
24 utility rates (water, sewer, electricity, and disposal), and other
25 overhead costs. To determine net competitive advantage, the
26 correctional industries board shall review and quantify any expenses
27 unique to operating a for-profit business inside a prison.

28 ~~((17))~~ (22) "Vocational training" or "vocational education" means
29 "vocational education" as defined in RCW 72.62.020.

30 (23) "Washington business" means an in-state manufacturer or
31 service provider subject to chapter 82.04 RCW existing on June 10,
32 2004.

33 ~~((18))~~ (24) "Work programs" means all classes of correctional
34 industries jobs authorized under RCW 72.09.100.

35 NEW SECTION. Sec. 302. A new section is added to chapter 72.09
36 RCW to read as follows:

1 (1) The department shall develop an individual reentry plan for
2 every offender who is committed to the jurisdiction of the department
3 of corrections except:

4 (a) Offenders who are sentenced to life without the possibility of
5 release; and

6 (b) Offenders who are subject to the provisions of 8 U.S.C. 1227.

7 (2) In developing individual reentry plans, the department shall
8 assess all offenders using standardized and comprehensive tools to
9 identify the criminogenic risks, programmatic needs, employability, and
10 educational and vocational skill levels for each offender.

11 (3) Individual reentry plans must address:

12 (a) The offender's ability to participate in programming or
13 activities due to a mental or physical disability or mental illness;

14 (b) If appropriate, ways for the offender to maintain contact with
15 his or her children and family and the need for parenting classes or
16 other family oriented services; and

17 (c) Victim safety concerns and no contact provisions of the
18 judgment and sentence.

19 (4) The initial assessment shall be conducted, whenever possible,
20 within the first six weeks of being sentenced to the jurisdiction of
21 the department of corrections and shall be periodically reviewed and
22 updated as appropriate.

23 (5)(a) Prior to discharge of any offender, the department shall:

24 (i) Evaluate the offender's needs and, to the extent possible,
25 connect the offender with existing services and resources that meet
26 those needs; and

27 (ii) Connect the offender with a community justice center and/or
28 community transition coordination network in the area in which the
29 offender will be residing once released from the correctional system if
30 one exists.

31 (b) If the department recommends partial confinement in an
32 offender's individual reentry plan, the department shall maximize the
33 period of partial confinement for the offender as allowed pursuant to
34 section 402 of this act to facilitate the offender's transition to the
35 community.

36 (6) The department shall establish mechanisms for sharing
37 information from individual reentry plans to those persons involved

1 with the offender's treatment, programming, and reentry, when deemed
2 appropriate. When technologically feasible, this information shall be
3 shared electronically.

4 (7) Nothing in this section creates a vested right in programming,
5 education, or other services.

6 **PART IV - PARTIAL CONFINEMENT AND SUPERVISION**

7 NEW SECTION. **Sec. 401.** (1) The legislature intends that
8 Washington's work release centers be transformed into residential
9 reentry centers with the capacity to provide or connect offenders with
10 the full range of reentry services to achieve measurable outcomes. The
11 Washington state institute for public policy shall conduct a
12 comprehensive analysis and evaluation of residential reentry centers
13 and work release facilities to identify evidence-based, research-based,
14 and promising practices or programs for the state of Washington and the
15 necessary performance measures that show the greatest quality,
16 effectiveness, and efficiency of the program on key outcomes. The
17 research should include an examination of reentry and work release
18 practices in both urban and rural areas and both inside and outside of
19 the state of Washington. The institute should identify what services
20 or combination of services should be provided to participants of
21 residential reentry centers and the length of time services should be
22 provided to optimize the successful transition of an offender back into
23 society.

24 (2) By May 1, 2008, the secretary of the department of corrections,
25 or the secretary's designee, shall, within existing resources, convene
26 and chair a work group to review current laws and policy regarding work
27 release.

28 (3) In addition to the secretary of the department of corrections,
29 the following shall be members of the work group: A representative
30 appointed by the governor, a community corrections officer, a
31 representative of the Washington association of prosecuting attorneys,
32 a representative of the superior court judges association, a member
33 selected by the Washington association of sheriffs and police chiefs,
34 a representative from the Washington state association of counties, a
35 representative from the association of Washington cities, a
36 representative from contract work release facilities in the state, a

1 representative from state-run work release facilities in the state, a
2 representative from a nonprofit organization that works with former
3 offenders who have completed a work release program, and a
4 representative from the department of community, trade, and economic
5 development. The secretary may designate a person to serve in his or
6 her place. Members of the work group shall serve without compensation.

7 (4) In conducting its review, the work group must review and make
8 recommendations for changes to corrections law and policies to ensure
9 that:

10 (a) Work release facilities are transformed into residential
11 reentry centers so that participants are provided with a combination of
12 reentry services that conform to evidence-based, research-based, or
13 promising practices as identified by the institute;

14 (b) Residential reentry centers lead to meaningful employment for
15 offenders participating in the program;

16 (c) A plan is identified to ensure that residential reentry centers
17 are distributed throughout the state;

18 (d) Residential reentry centers are of a size consistent with
19 evidence-based, research-based, or promising practices and appropriate
20 to the community in which they are located;

21 (e) Communities are given meaningful avenues for ongoing
22 consultation regarding the establishment and operation of residential
23 reentry centers in their area;

24 (f) Victim and community safety concerns are given priority when
25 determining appropriate placement in residential reentry centers for
26 individual offenders;

27 (g) Eligibility time to participate in residential reentry centers
28 is sufficient to make it a meaningful experience for offenders; and

29 (h) Programs have the necessary performance measures needed to
30 effectively monitor the quality, effectiveness, and efficiency of the
31 programs.

32 (5)(a) The institute shall report its results and recommendations
33 to the governor and the legislature no later than November 15, 2007.

34 (b) The department of corrections shall report the results and
35 recommendations of the work group to the governor and the legislature
36 no later than November 15, 2008.

1 NEW SECTION. **Sec. 402.** A new section is added to chapter 72.09
2 RCW to read as follows:

3 (1) The department shall continue to establish community justice
4 centers throughout the state for the purpose of providing comprehensive
5 services and monitoring for inmates who are reentering the community.

6 (2) For the purposes of this chapter, "community justice center" is
7 defined as a nonresidential facility staffed primarily by the
8 department in which recently released offenders may access services
9 necessary to improve their successful reentry into the community. Such
10 services may include but are not limited to, those listed in the
11 individual reentry plan, mental health, chemical dependency, sex
12 offender treatment, anger management, parental educational, financial
13 literacy, housing assistance, employment assistance, and community
14 supervision.

15 (3) At a minimum, the community justice center shall include:

16 (a) A violator program to allow the department to utilize a range
17 of available sanctions for offenders who violate conditions of their
18 supervision;

19 (b) An employment opportunity program to assist an offender in
20 finding employment; and

21 (c) Resources for connecting offenders with services such as
22 treatment, transportation, training, family reunification, and
23 community services.

24 (4) In addition to any other programs or services offered by a
25 community justice center, the department shall designate a transition
26 coordinator to facilitate connections between the former offender and
27 the community. The department may designate transition coordination
28 services to be provided by a community transition coordination network
29 pursuant to section 103 of this act if one has been established in the
30 community where the community justice center is located and the
31 department has entered into a memorandum of understanding with the
32 county to share resources.

33 (5) The transition coordinator shall provide information to former
34 offenders regarding services available to them in the community
35 regardless of the length of time since the offender's release from the
36 correctional facility. The transition coordinator shall, at a minimum,
37 be responsible for the following:

1 (a) Gathering and maintaining information regarding services
2 currently existing within the community that are available to offenders
3 including, but not limited to:

4 (i) Programs offered through the department of social and health
5 services, the department of health, the department of licensing,
6 housing authorities, local community and technical colleges, other
7 state or federal entities which provide public benefits, and nonprofit
8 entities;

9 (ii) Services such as housing assistance, employment assistance,
10 education, vocational training, parent education, financial literacy,
11 treatment for substance abuse, mental health, anger management, and any
12 other service or program that will assist the former offender to
13 successfully transition into the community;

14 (b) Coordinating access to the existing services with the community
15 providers and provide offenders with information regarding how to
16 access the various type of services and resources that are available in
17 the community.

18 (6)(a) A minimum of six community justice centers shall be
19 operational by December 1, 2009. The six community justice centers
20 include those in operation on the effective date of this section.

21 (b) By December 1, 2011, the department shall establish a minimum
22 of three additional community justice centers within the state.

23 (7) In locating new centers, the department shall:

24 (a) Give priority to the counties with the largest population of
25 offenders who were released from department of corrections custody and
26 that do not already have a community justice center;

27 (b) Ensure that at least two centers are operational in eastern
28 Washington; and

29 (c) Comply with section 403 of this act and all applicable zoning
30 laws and regulations.

31 (8) Before beginning the siting or opening of the new community
32 justice center, the department shall:

33 (a) Notify the city, if applicable, and the county within which the
34 community justice center is proposed. Such notice shall occur at least
35 sixty days prior to selecting a specific location to provide the
36 services listed in this section;

37 (b) Consult with the community providers listed in subsection (5)

1 of this section to determine if they have the capacity to provide
2 services to offenders through the community justice center; and

3 (c) Give due consideration to all comments received in response to
4 the notice of the start of site selection and consultation with
5 community providers.

6 (9) The department shall make efforts to enter into memoranda of
7 understanding or agreements with the local community policing and
8 supervision programs as defined in section 101 of this act in which the
9 community justice center is located to address:

10 (a) Efficiencies that may be gained by sharing space or resources
11 in the provision of reentry services to offenders, including services
12 provided through a community transition coordination network
13 established pursuant to section 103 of this act if a network has been
14 established in the county;

15 (b) Mechanisms for communication of information about offenders,
16 including the feasibility of shared access to databases;

17 (c) Partnerships between the department of corrections and local
18 police to supervise offenders. The agreement must address:

19 (i) Shared mechanisms to facilitate supervision of offenders under
20 the respective jurisdictions of each which may include activities such
21 as joint emphasis patrols to monitor high-risk offenders, service of
22 bench and secretary warrants and detainers, joint field visits,
23 connecting offenders with services, and, where appropriate, directing
24 offenders into sanction alternatives in lieu of incarceration;

25 (ii) The roles and responsibilities of police officers and
26 corrections staff participating in the partnership; and

27 (iii) The amount of corrections staff and police officer time that
28 will be dedicated to partnership efforts.

29 NEW SECTION. **Sec. 403.** No later than July 1, 2007, and every
30 biennium thereafter starting with the biennium beginning July 1, 2008,
31 the department shall prepare a list of counties and rural multicounty
32 geographic areas in which work release facilities, community justice
33 centers and other community-based facilities are anticipated to be
34 sited during the next three fiscal years and transmit the list to the
35 office of financial management and the counties on the list. The list
36 may be updated as needed.

1 **Sec. 404.** RCW 9.94A.728 and 2004 c 176 s 6 are each amended to
2 read as follows:

3 No person serving a sentence imposed pursuant to this chapter and
4 committed to the custody of the department shall leave the confines of
5 the correctional facility or be released prior to the expiration of the
6 sentence except as follows:

7 (1) Except as otherwise provided for in subsection (2) of this
8 section, the term of the sentence of an offender committed to a
9 correctional facility operated by the department may be reduced by
10 earned release time in accordance with procedures that shall be
11 developed and promulgated by the correctional agency having
12 jurisdiction in which the offender is confined. The earned release
13 time shall be for good behavior and good performance, as determined by
14 the correctional agency having jurisdiction. The correctional agency
15 shall not credit the offender with earned release credits in advance of
16 the offender actually earning the credits. Any program established
17 pursuant to this section shall allow an offender to earn early release
18 credits for presentence incarceration. If an offender is transferred
19 from a county jail to the department, the administrator of a county
20 jail facility shall certify to the department the amount of time spent
21 in custody at the facility and the amount of earned release time. An
22 offender who has been convicted of a felony committed after July 23,
23 1995, that involves any applicable deadly weapon enhancements under RCW
24 9.94A.533 (3) or (4), or both, shall not receive any good time credits
25 or earned release time for that portion of his or her sentence that
26 results from any deadly weapon enhancements.

27 (a) In the case of an offender convicted of a serious violent
28 offense, or a sex offense that is a class A felony, committed on or
29 after July 1, 1990, and before July 1, 2003, the aggregate earned
30 release time may not exceed fifteen percent of the sentence. In the
31 case of an offender convicted of a serious violent offense, or a sex
32 offense that is a class A felony, committed on or after July 1, 2003,
33 the aggregate earned release time may not exceed ten percent of the
34 sentence.

35 (b)(i) In the case of an offender who qualifies under (b)(ii) of
36 this subsection, the aggregate earned release time may not exceed fifty
37 percent of the sentence.

1 (ii) An offender is qualified to earn up to fifty percent of
2 aggregate earned release time under this subsection (1)(b) if he or
3 she:

4 (A) Is classified in one of the two lowest risk categories under
5 (b)(iii) of this subsection;

6 (B) Is not confined pursuant to a sentence for:

7 (I) A sex offense;

8 (II) A violent offense;

9 (III) A crime against persons as defined in RCW 9.94A.411;

10 (IV) A felony that is domestic violence as defined in RCW
11 10.99.020;

12 (V) A violation of RCW 9A.52.025 (residential burglary);

13 (VI) A violation of, or an attempt, solicitation, or conspiracy to
14 violate, RCW 69.50.401 by manufacture or delivery or possession with
15 intent to deliver methamphetamine; or

16 (VII) A violation of, or an attempt, solicitation, or conspiracy to
17 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

18 ((and))

19 (C) Has no prior conviction for:

20 (I) A sex offense;

21 (II) A violent offense;

22 (III) A crime against persons as defined in RCW 9.94A.411;

23 (IV) A felony that is domestic violence as defined in RCW
24 10.99.020;

25 (V) A violation of RCW 9A.52.025 (residential burglary);

26 (VI) A violation of, or an attempt, solicitation, or conspiracy to
27 violate, RCW 69.50.401 by manufacture or delivery or possession with
28 intent to deliver methamphetamine; or

29 (VII) A violation of, or an attempt, solicitation, or conspiracy to
30 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

31 (D) Participates in programming or activities as directed by the
32 offender's individual reentry plan as provided under section 302 of
33 this act to the extent that such programming or activities are made
34 available by the department; and

35 (E) Has not committed a new felony after the effective date of this
36 act while under community supervision, community restitution, community
37 placement, or community custody.

1 (iii) For purposes of determining an offender's eligibility under
2 this subsection (1)(b), the department shall perform a risk assessment
3 of every offender committed to a correctional facility operated by the
4 department who has no current or prior conviction for a sex offense, a
5 violent offense, a crime against persons as defined in RCW 9.94A.411,
6 a felony that is domestic violence as defined in RCW 10.99.020, a
7 violation of RCW 9A.52.025 (residential burglary), a violation of, or
8 an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by
9 manufacture or delivery or possession with intent to deliver
10 methamphetamine, or a violation of, or an attempt, solicitation, or
11 conspiracy to violate, RCW 69.50.406 (delivery of a controlled
12 substance to a minor). The department must classify each assessed
13 offender in one of four risk categories between highest and lowest
14 risk.

15 (iv) The department shall recalculate the earned release time and
16 reschedule the expected release dates for each qualified offender under
17 this subsection (1)(b).

18 (v) This subsection (1)(b) applies retroactively to eligible
19 offenders serving terms of total confinement in a state correctional
20 facility as of July 1, 2003.

21 (vi) This subsection (1)(b) does not apply to offenders convicted
22 after July 1, 2010.

23 (c) In no other case shall the aggregate earned release time exceed
24 one-third of the total sentence;

25 (2)(a) A person convicted of a sex offense or an offense
26 categorized as a serious violent offense, assault in the second degree,
27 vehicular homicide, vehicular assault, assault of a child in the second
28 degree, any crime against persons where it is determined in accordance
29 with RCW 9.94A.602 that the offender or an accomplice was armed with a
30 deadly weapon at the time of commission, or any felony offense under
31 chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become
32 eligible, in accordance with a program developed by the department, for
33 transfer to community custody status in lieu of earned release time
34 pursuant to subsection (1) of this section;

35 (b) A person convicted of a sex offense, a violent offense, any
36 crime against persons under RCW 9.94A.411(2), or a felony offense under
37 chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may

1 become eligible, in accordance with a program developed by the
2 department, for transfer to community custody status in lieu of earned
3 release time pursuant to subsection (1) of this section;

4 (c) The department shall, as a part of its program for release to
5 the community in lieu of earned release, require the offender to
6 propose a release plan that includes an approved residence and living
7 arrangement. All offenders with community placement or community
8 custody terms eligible for release to community custody status in lieu
9 of earned release shall provide an approved residence and living
10 arrangement prior to release to the community;

11 (d) The department may deny transfer to community custody status in
12 lieu of earned release time pursuant to subsection (1) of this section
13 if the department determines an offender's release plan, including
14 proposed residence location and living arrangements, may violate the
15 conditions of the sentence or conditions of supervision, place the
16 offender at risk to violate the conditions of the sentence, place the
17 offender at risk to reoffend, or present a risk to victim safety or
18 community safety. The department's authority under this section is
19 independent of any court-ordered condition of sentence or statutory
20 provision regarding conditions for community custody or community
21 placement;

22 (e) If the department denies transfer to community custody status
23 in lieu of earned early release pursuant to (d) of this subsection, the
24 department may transfer an offender to partial confinement in lieu of
25 earned early release up to three months. The three months in partial
26 confinement is in addition to that portion of the offender's term of
27 confinement that may be served in partial confinement as provided in
28 this section;

29 (f) An offender serving a term of confinement imposed under RCW
30 9.94A.670(4)(a) is not eligible for earned release credits under this
31 section;

32 (3) An offender may leave a correctional facility pursuant to an
33 authorized furlough or leave of absence. In addition, offenders may
34 leave a correctional facility when in the custody of a corrections
35 officer or officers;

36 (4)(a) The secretary may authorize an extraordinary medical
37 placement for an offender when all of the following conditions exist:

1 (i) The offender has a medical condition that is serious enough to
2 require costly care or treatment;

3 (ii) The offender poses a low risk to the community because he or
4 she is physically incapacitated due to age or the medical condition;
5 and

6 (iii) Granting the extraordinary medical placement will result in
7 a cost savings to the state.

8 (b) An offender sentenced to death or to life imprisonment without
9 the possibility of release or parole is not eligible for an
10 extraordinary medical placement.

11 (c) The secretary shall require electronic monitoring for all
12 offenders in extraordinary medical placement unless the electronic
13 monitoring equipment interferes with the function of the offender's
14 medical equipment or results in the loss of funding for the offender's
15 medical care. The secretary shall specify who shall provide the
16 monitoring services and the terms under which the monitoring shall be
17 performed.

18 (d) The secretary may revoke an extraordinary medical placement
19 under this subsection at any time;

20 (5) The governor, upon recommendation from the clemency and pardons
21 board, may grant an extraordinary release for reasons of serious health
22 problems, senility, advanced age, extraordinary meritorious acts, or
23 other extraordinary circumstances;

24 (6) No more than the final six months of the ~~((sentence))~~
25 offender's term of confinement may be served in partial confinement
26 designed to aid the offender in finding work and reestablishing himself
27 or herself in the community. This is in addition to that period of
28 earned early release time that may be exchanged for partial confinement
29 pursuant to subsection (2)(e) of this section;

30 (7) The governor may pardon any offender;

31 (8) The department may release an offender from confinement any
32 time within ten days before a release date calculated under this
33 section; and

34 (9) An offender may leave a correctional facility prior to
35 completion of his or her sentence if the sentence has been reduced as
36 provided in RCW 9.94A.870.

37 Notwithstanding any other provisions of this section, an offender
38 sentenced for a felony crime listed in RCW 9.94A.540 as subject to a

1 mandatory minimum sentence of total confinement shall not be released
2 from total confinement before the completion of the listed mandatory
3 minimum sentence for that felony crime of conviction unless allowed
4 under RCW 9.94A.540, however persistent offenders are not eligible for
5 extraordinary medical placement.

6 NEW SECTION. **Sec. 405.** (1) The secretary of the department of
7 corrections, or the secretary's designee, shall within existing
8 resources, review current laws and policy regarding the supervision of
9 offenders through the department of corrections.

10 (2) In conducting its review, the department must:

11 (a) Standardize community corrections practices across the state
12 and review field supervision policies to clarify expectations;

13 (b) Address the training needs of community corrections staff
14 consistent with department practices and policies;

15 (c) Review the workloads of community corrections officers and
16 other staff associated with supervision activities and explore
17 mechanisms to allow for greater emphasis on field supervision;

18 (d) Review the supervision violation hearings and sanctions
19 process, including the offender behavior response guide, to:

20 (i) Address recommendations identified in the assessment conducted
21 by the national institute of corrections;

22 (ii) Improve the ability to respond appropriately and effectively
23 sanction an offender's behavior; and

24 (iii) Ensure appropriate standards for the due process rights of
25 offenders and that those standards are consistently upheld;

26 (e) Increase options and application of evidence-based,
27 research-based, and promising practices for offenders on supervision,
28 including those with chemical dependency issues;

29 (f) Standardize and implement consistent quality assurance
30 standards for community corrections staff; and

31 (g) Review mechanisms to provide better access to information by
32 community corrections officers about the offenders they are supervising
33 including statutory changes to confidentiality provisions and
34 utilization of automation and technology.

35 (3) The department of corrections shall present a progress report
36 of the findings and recommendations to the governor and the appropriate

1 committees of the legislature by November 15, 2007, with a final report
2 due by November 15, 2008.

3 (4) This section expires December 15, 2008.

4 **Sec. 406.** RCW 9.94A.850 and 2005 c 282 s 19 are each amended to
5 read as follows:

6 (1) A sentencing guidelines commission is established as an agency
7 of state government.

8 (2) The legislature finds that the commission, having accomplished
9 its original statutory directive to implement this chapter, and having
10 expertise in sentencing practice and policies, shall:

11 (a) Evaluate state sentencing policy, to include whether the
12 sentencing ranges and standards are consistent with and further:

13 (i) The purposes of this chapter as defined in RCW 9.94A.010; and

14 (ii) The intent of the legislature to emphasize confinement for the
15 violent offender and alternatives to confinement for the nonviolent
16 offender.

17 The commission shall provide the governor and the legislature with
18 its evaluation and recommendations under this subsection not later than
19 December 1, 1996, and every two years thereafter;

20 (b) Recommend to the legislature revisions or modifications to the
21 standard sentence ranges, state sentencing policy, prosecuting
22 standards, and other standards. If implementation of the revisions or
23 modifications would result in exceeding the capacity of correctional
24 facilities, then the commission shall accompany its recommendation with
25 an additional list of standard sentence ranges which are consistent
26 with correction capacity;

27 (c) Study the existing criminal code and from time to time make
28 recommendations to the legislature for modification;

29 (d)(i) Serve as a clearinghouse and information center for the
30 collection, preparation, analysis, and dissemination of information on
31 state and local adult and juvenile sentencing practices; (ii) develop
32 and maintain a computerized adult and juvenile sentencing information
33 system by individual superior court judge consisting of offender,
34 offense, history, and sentence information entered from judgment and
35 sentence forms for all adult felons; and (iii) conduct ongoing research
36 regarding adult and juvenile sentencing guidelines, use of total

1 confinement and alternatives to total confinement, plea bargaining, and
2 other matters relating to the improvement of the adult criminal justice
3 system and the juvenile justice system;

4 (e) Assume the powers and duties of the juvenile disposition
5 standards commission after June 30, 1996;

6 (f) Evaluate the effectiveness of existing disposition standards
7 and related statutes in implementing policies set forth in RCW
8 13.40.010 generally, specifically review the guidelines relating to the
9 confinement of minor and first-time offenders as well as the use of
10 diversion, and review the application of current and proposed juvenile
11 sentencing standards and guidelines for potential adverse impacts on
12 the sentencing outcomes of racial and ethnic minority youth;

13 (g) Solicit the comments and suggestions of the juvenile justice
14 community concerning disposition standards, and make recommendations to
15 the legislature regarding revisions or modifications of the standards.
16 The evaluations shall be submitted to the legislature on December 1 of
17 each odd-numbered year. The department of social and health services
18 shall provide the commission with available data concerning the
19 implementation of the disposition standards and related statutes and
20 their effect on the performance of the department's responsibilities
21 relating to juvenile offenders, and with recommendations for
22 modification of the disposition standards. The administrative office
23 of the courts shall provide the commission with available data on
24 diversion, including the use of youth court programs, and dispositions
25 of juvenile offenders under chapter 13.40 RCW; and

26 (h) Not later than December 1, 1997, and at least every two years
27 thereafter, based on available information, report to the governor and
28 the legislature on:

29 (i) Racial disproportionality in juvenile and adult sentencing,
30 and, if available, the impact that diversions, such as youth courts,
31 have on racial disproportionality in juvenile prosecution,
32 adjudication, and sentencing;

33 (ii) The capacity of state and local juvenile and adult facilities
34 and resources; and

35 (iii) Recidivism information on adult and juvenile offenders.

36 (3) Each of the commission's recommended standard sentence ranges
37 shall include one or more of the following: Total confinement, partial
38 confinement, community supervision, community restitution, and a fine.

1 (4) The standard sentence ranges of total and partial confinement
2 under this chapter, except as provided in RCW 9.94A.517, are subject to
3 the following limitations:

4 (a) If the maximum term in the range is one year or less, the
5 minimum term in the range shall be no less than one-third of the
6 maximum term in the range, except that if the maximum term in the range
7 is ninety days or less, the minimum term may be less than one-third of
8 the maximum;

9 (b) If the maximum term in the range is greater than one year, the
10 minimum term in the range shall be no less than seventy-five percent of
11 the maximum term in the range, except that for murder in the second
12 degree in seriousness level XIV under RCW 9.94A.510, the minimum term
13 in the range shall be no less than fifty percent of the maximum term in
14 the range; and

15 (c) The maximum term of confinement in a range may not exceed the
16 statutory maximum for the crime as provided in RCW 9A.20.021.

17 (5)(a) Not later than December 31, 1999, the commission shall
18 propose to the legislature the initial community custody ranges to be
19 included in sentences under RCW 9.94A.715 for crimes committed on or
20 after July 1, 2000. Not later than December 31 of each year, the
21 commission may propose modifications to the ranges. The ranges shall
22 be based on the principles in RCW 9.94A.010, and shall take into
23 account the funds available to the department for community custody.
24 The minimum term in each range shall not be less than one-half of the
25 maximum term.

26 (b) The legislature may, by enactment of a legislative bill, adopt
27 or modify the community custody ranges proposed by the commission. If
28 the legislature fails to adopt or modify the initial ranges in its next
29 regular session after they are proposed, the proposed ranges shall take
30 effect without legislative approval for crimes committed on or after
31 July 1, 2000.

32 (c) When the commission proposes modifications to ranges pursuant
33 to this subsection, the legislature may, by enactment of a bill, adopt
34 or modify the ranges proposed by the commission for crimes committed on
35 or after July 1 of the year after they were proposed. Unless the
36 legislature adopts or modifies the commission's proposal in its next
37 regular session, the proposed ranges shall not take effect.

1 counseling, ~~substance abuse intervention, and anger management~~
2 ~~counseling. The curriculum may balance these and other rehabilitation,~~
3 ~~work, and training components.))~~

4 (3)(a) The department shall, to the extent possible and considering
5 all available funds, prioritize its resources to meet the following
6 goals for inmates in the order listed:

7 ((~~a~~)) (i) Achievement of basic academic skills through obtaining
8 a high school diploma or its equivalent ((~~and~~));

9 (ii) Achievement of vocational skills necessary for purposes of
10 work programs and for an inmate to qualify for work upon release;

11 ((~~b~~) Additional work and education programs based on assessments
12 and placements under subsection (5) of this section; and

13 ~~(c) Other work and education programs as appropriate.~~

14 ~~(4) The department shall establish, by rule, objective medical~~
15 ~~standards to determine when an inmate is physically or mentally unable~~
16 ~~to participate in available education or work programs. When the~~
17 ~~department determines an inmate is permanently unable to participate in~~
18 ~~any available education or work program due to a medical condition, the~~
19 ~~inmate is exempt from the requirement under subsection (1) of this~~
20 ~~section. When the department determines an inmate is temporarily~~
21 ~~unable to participate in an education or work program due to a medical~~
22 ~~condition, the inmate is exempt from the requirement of subsection (1)~~
23 ~~of this section for the period of time he or she is temporarily~~
24 ~~disabled. The department shall periodically review the medical~~
25 ~~condition of all temporarily disabled inmates to ensure the earliest~~
26 ~~possible entry or reentry by inmates into available programming.~~

27 ~~(5) The department shall establish, by rule, standards for~~
28 ~~participation in department approved education and work programs. The~~
29 ~~standards shall address the following areas:~~

30 ~~(a) Assessment. The department shall assess all inmates for their~~
31 ~~basic academic skill levels using a professionally accepted method of~~
32 ~~scoring reading, math, and language skills as grade level equivalents.~~
33 ~~The department shall determine an inmate's education history, work~~
34 ~~history, and vocational or work skills. The initial assessment shall~~
35 ~~be conducted, whenever possible, within the first thirty days of an~~
36 ~~inmate's entry into the correctional system, except that initial~~
37 ~~assessments are not required for inmates who are sentenced to life~~
38 ~~without the possibility of release, assigned to an intensive management~~

1 ~~unit within the first thirty days after entry into the correctional~~
2 ~~system, are returning to the correctional system within one year of a~~
3 ~~prior release, or whose physical or mental condition renders them~~
4 ~~unable to complete the assessment process. The department shall track~~
5 ~~and record changes in the basic academic skill levels of all inmates~~
6 ~~reflected in any testing or assessment performed as part of their~~
7 ~~education programming;~~

8 ~~(b) Placement. The department shall follow the policies set forth~~
9 ~~in subsection (1) of this section in establishing criteria for placing~~
10 ~~inmates in education and work programs. The department shall, to the~~
11 ~~extent possible, place all inmates whose composite grade level score~~
12 ~~for basic academic skills is below the eighth grade level in a combined~~
13 ~~education and work program. The placement criteria shall include at~~
14 ~~least the following factors)) (iii) Additional work and education~~
15 ~~programs necessary for compliance with an offender's individual reentry~~
16 ~~plan under section 302 of this act with the exception of postsecondary~~
17 ~~education degree programs as provided in section 502 of this act; and~~

18 ~~(iv) Other appropriate vocational, work, or education programs that~~
19 ~~are not necessary for compliance with an offender's individual reentry~~
20 ~~plan under section 302 of this act with the exception of postsecondary~~
21 ~~education degree programs as provided in section 502 of this act.~~

22 ~~(b) If programming is provided pursuant to (a)(i) through (iii) of~~
23 ~~this subsection, the department shall pay the cost of such programming,~~
24 ~~including but not limited to books, materials, supplies, and postage~~
25 ~~costs related to correspondence courses.~~

26 ~~(c) If programming is provided pursuant to (a)(iv) of this~~
27 ~~subsection, inmates shall be required to pay all or a portion of the~~
28 ~~costs, including books, fees, and tuition, for participation in any~~
29 ~~vocational, work, or education program as provided in department~~
30 ~~policies. Department policies shall include a formula for determining~~
31 ~~how much an offender shall be required to pay. The formula shall~~
32 ~~include steps which correlate to an offender average monthly income or~~
33 ~~average available balance in a personal inmate savings account and~~
34 ~~which are correlated to a prorated portion or percent of the per credit~~
35 ~~fee for tuition, books, or other ancillary costs. The formula shall be~~
36 ~~reviewed every two years. A third party may pay directly to the~~
37 ~~department all or a portion of costs and tuition for any programming~~

1 provided pursuant to (a)(iv) of this subsection on behalf of an inmate.
2 Such payments shall not be subject to any of the deductions as provided
3 in this chapter.

4 (d) The department may accept any and all donations and grants of
5 money, equipment, supplies, materials, and services from any third
6 party, including but not limited to nonprofit entities, and may
7 receive, utilize, and dispose of same to complete the purposes of this
8 section.

9 (e) Any funds collected by the department under (c) and (d) of this
10 subsection and subsections (8) and (9) of this section shall be used
11 solely for the creation, maintenance, or expansion of inmate
12 educational and vocational programs.

13 (4) The department shall provide access to a program of education
14 to all offenders who are under the age of eighteen and who have not met
15 high school graduation or general equivalency diploma requirements in
16 accordance with chapter 28A.193 RCW. The program of education
17 established by the department and education provider under RCW
18 28A.193.020 for offenders under the age of eighteen must provide each
19 offender a choice of curriculum that will assist the inmate in
20 achieving a high school diploma or general equivalency diploma. The
21 program of education may include but not be limited to basic education,
22 prevocational training, work ethic skills, conflict resolution
23 counseling, substance abuse intervention, and anger management
24 counseling. The curriculum may balance these and other rehabilitation,
25 work, and training components.

26 (5)(a) In addition to the policies set forth in this section, the
27 department shall consider the following factors in establishing
28 criteria for assessing the inclusion of education and work programs in
29 an inmate's individual reentry plan and in placing inmates in education
30 and work programs:

31 (i) An inmate's release date and custody level. An inmate shall
32 not be precluded from participating in an education or work program
33 solely on the basis of his or her release date, except that inmates
34 with a release date of more than one hundred twenty months in the
35 future shall not comprise more than ten percent of inmates
36 participating in a new class I correctional industry not in existence
37 on June 10, 2004;

38 (ii) An inmate's education history and basic academic skills;

- 1 (iii) An inmate's work history and vocational or work skills;
2 (iv) An inmate's economic circumstances, including but not limited
3 to an inmate's family support obligations; and
4 (v) Where applicable, an inmate's prior performance in department-
5 approved education or work programs;

6 ~~((c) Performance and goals.)~~ (b) The department shall establish,
7 and periodically review, inmate behavior standards and program goals
8 for all education and work programs. Inmates shall be notified of
9 applicable behavior standards and program goals prior to placement in
10 an education or work program and shall be removed from the education or
11 work program if they consistently fail to meet the standards or
12 goals(;

13 ~~(d) Financial responsibility. (i) The department shall establish~~
14 ~~a formula by which inmates, based on their ability to pay, shall pay~~
15 ~~all or a portion of the costs or tuition of certain programs. Inmates~~
16 ~~shall, based on the formula, pay a portion of the costs or tuition of~~
17 ~~participation in:~~

18 ~~(A) Second and subsequent vocational programs associated with an~~
19 ~~inmate's work programs; and~~

20 ~~(B) An associate of arts or baccalaureate degree program when~~
21 ~~placement in a degree program is the result of a placement made under~~
22 ~~this subsection;~~

23 ~~(ii) Inmates shall pay all costs and tuition for participation in:~~

24 ~~(A) Any postsecondary academic degree program which is entered~~
25 ~~independently of a placement decision made under this subsection; and~~

26 ~~(B) Second and subsequent vocational programs not associated with~~
27 ~~an inmate's work program.~~

28 ~~Enrollment in any program specified in (d)(ii) of this subsection~~
29 ~~shall only be allowed by correspondence or if there is an opening in an~~
30 ~~education or work program at the institution where an inmate is~~
31 ~~incarcerated and no other inmate who is placed in a program under this~~
32 ~~subsection will be displaced; and~~

33 ~~(e) Notwithstanding any other provision in this section, an inmate~~
34 ~~sentenced to life without the possibility of release:~~

35 ~~(i) Shall not be required to participate in education programming;~~
36 ~~and~~

37 ~~(ii) May receive not more than one postsecondary academic degree in~~
38 ~~a program offered by the department or its contracted providers.~~

1 If an inmate sentenced to life without the possibility of release
2 requires prevocational or vocational training for a work program, he or
3 she may participate in the training subject to this section.

4 (6) The department shall coordinate education and work programs
5 among its institutions, to the greatest extent possible, to facilitate
6 continuity of programming among inmates transferred between
7 institutions. Before transferring an inmate enrolled in a program, the
8 department shall consider the effect the transfer will have on the
9 inmate's ability to continue or complete a program. This subsection
10 shall not be used to delay or prohibit a transfer necessary for
11 legitimate safety or security concerns.

12 (7) Before construction of a new correctional institution or
13 expansion of an existing correctional institution, the department shall
14 adopt a plan demonstrating how cable, closed circuit, and satellite
15 television will be used for education and training purposes in the
16 institution. The plan shall specify how the use of television in the
17 education and training programs will improve inmates' preparedness for
18 available work programs and job opportunities for which inmates may
19 qualify upon release.

20 (8) The department shall adopt a plan to reduce the per pupil cost
21 of instruction by, among other methods, increasing the use of volunteer
22 instructors and implementing technological efficiencies. The plan
23 shall be adopted by December 1996 and shall be transmitted to the
24 legislature upon adoption. The department shall, in adoption of the
25 plan, consider distance learning, satellite instruction, video tape
26 usage, computer aided instruction, and flexible scheduling of offender
27 instruction.

28 (9) Following completion of the review required by section 27(3),
29 chapter 19, Laws of 1995 1st sp. sess. the department shall take all
30 necessary steps to assure the vocation and education programs are
31 relevant to work programs and skills necessary to enhance the
32 employability of inmates upon release)).

33 (6) Eligible inmates who refuse to participate in available
34 education or work programs available at no charge to the inmates shall
35 lose privileges according to the system established under RCW
36 72.09.130. Eligible inmates who are required to contribute financially
37 to an education or work program and refuse to contribute shall be

1 placed in another work program. Refusal to contribute shall not result
2 in a loss of privileges.

3 (7) The department shall establish, by rule, objective medical
4 standards to determine when an inmate is physically or mentally unable
5 to participate in available education or work programs. When the
6 department determines an inmate is permanently unable to participate in
7 any available education or work program due to a medical condition, the
8 inmate is exempt from the requirement under subsection (1) of this
9 section. When the department determines an inmate is temporarily
10 unable to participate in an education or work program due to a medical
11 condition, the inmate is exempt from the requirement of subsection (1)
12 of this section for the period of time he or she is temporarily
13 disabled. The department shall periodically review the medical
14 condition of all inmates with temporary disabilities to ensure the
15 earliest possible entry or reentry by inmates into available
16 programming.

17 (8) The department shall establish policies requiring an offender
18 to pay all or a portion of the costs and tuition for any vocational
19 training or postsecondary education program if the offender completed
20 more than two hundred hours in the program and then withdrew from
21 participation without approval from the department. Department
22 policies shall include a formula for determining how much an offender
23 shall be required to pay. The formula shall include steps which
24 correlate to an offender average monthly income or average available
25 balance in a personal inmate savings account and which are correlated
26 to a prorated portion or percent of the per credit fee for tuition,
27 books, or other ancillary costs. The formula shall be reviewed every
28 two years. A third party may pay directly to the department all or a
29 portion of costs and tuition for any program on behalf of an inmate
30 under this subsection. Such payments shall not be subject to any of
31 the deductions as provided in this chapter.

32 (9) Notwithstanding any other provision in this section, an inmate
33 sentenced to life without the possibility of release or subject to the
34 provisions of 8 U.S.C. Sec. 1227:

35 (a) Shall not be required to participate in education programming
36 except as may be necessary for the maintenance of discipline and
37 security;

1 (b) May receive not more than one postsecondary academic degree in
2 a program offered by the department or its contracted providers;

3 (c) May participate in prevocational or vocational training that
4 may be necessary to participate in a work program;

5 (d) Shall be subject to the applicable provisions of this chapter
6 relating to inmate financial responsibility for programming except the
7 postsecondary education degree loan program as provided in section
8 502(3) of this act.

9 NEW SECTION. Sec. 502. A new section is added to chapter 72.09
10 RCW to read as follows:

11 (1) The department shall, if funds are appropriated for the
12 specific purpose, implement postsecondary education degree programs
13 within state correctional institutions, including the state
14 correctional institution with the largest population of female inmates.
15 The department shall consider for inclusion in any postsecondary
16 education degree program, any postsecondary education degree program
17 from an accredited community college, college, or university that is
18 part of an associate of arts, baccalaureate, masters of arts, or other
19 graduate degree program.

20 (2) Inmates shall be required to pay the costs for participation in
21 any postsecondary education degree programs established under this
22 subsection, including books, fees, tuition, or any other appropriate
23 ancillary costs, by one or more of the following means:

24 (a) The inmate who is participating in the postsecondary education
25 degree program shall, during confinement, provide the required payment
26 or payments to the department;

27 (b) A third party shall provide the required payment or payments
28 directly to the department on behalf of an inmate, and such payments
29 shall not be subject to any of the deductions as provided in this
30 chapter; or

31 (c) The inmate who is participating in the postsecondary education
32 degree program shall provide the required payment or payments to the
33 department using loan funds obtained from the department's
34 postsecondary education degree loan program created pursuant to
35 subsection (3) of this section.

36 (3) The department shall, if funds are appropriated for the
37 specific purpose, establish by rule a postsecondary education degree

1 loan program for inmates seeking to participate in available
2 postsecondary education degree programs. The department shall
3 establish a process for awarding loans to inmates, including an
4 application process and criteria for awarding loans. The department
5 shall collect repayment as provided in section 504 of this act. A
6 third party may pay directly to the department all or a portion of any
7 loan on behalf of an inmate. Such payments shall not be subject to any
8 of the deductions as provided in this chapter. Inmates under RCW
9 72.09.460(9) are not eligible to participate in the postsecondary
10 education degree loan program.

11 (4) The department may accept any and all donations and grants of
12 money, equipment, supplies, materials, and services from any third
13 party, including but not limited to nonprofit entities, and may
14 receive, utilize, and dispose of same to complete the purposes of this
15 section.

16 (5) Any funds collected by the department under this section and
17 RCW 72.09.450(4) shall be used solely for the creation, maintenance, or
18 expansion of inmate postsecondary education degree programs.

19 **Sec. 503.** RCW 72.09.480 and 2003 c 271 s 3 are each amended to
20 read as follows:

21 (1) Unless the context clearly requires otherwise, the definitions
22 in this section apply to this section.

23 (a) "Cost of incarceration" means the cost of providing an inmate
24 with shelter, food, clothing, transportation, supervision, and other
25 services and supplies as may be necessary for the maintenance and
26 support of the inmate while in the custody of the department, based on
27 the average per inmate costs established by the department and the
28 office of financial management.

29 (b) "Minimum term of confinement" means the minimum amount of time
30 an inmate will be confined in the custody of the department,
31 considering the sentence imposed and adjusted for the total potential
32 earned early release time available to the inmate.

33 (c) "Program" means any series of courses or classes necessary to
34 achieve a proficiency standard, certificate, or postsecondary degree.

35 (2) When an inmate, except as provided in subsection (7) of this
36 section, receives any funds in addition to his or her wages or

1 gratuities, except settlements or awards resulting from legal action,
2 the additional funds shall be subject to the following deductions and
3 the priorities established in chapter 72.11 RCW:

4 (a) Five percent to the public safety and education account for the
5 purpose of crime victims' compensation;

6 (b) Ten percent to a department personal inmate savings account;

7 (c) Twenty percent to the department to contribute to the cost of
8 incarceration;

9 (d) Twenty percent for payment of legal financial obligations for
10 all inmates who have legal financial obligations owing in any
11 Washington state superior court; and

12 (e) Fifteen percent for any child support owed under a support
13 order.

14 (3) When an inmate, except as provided in subsection (7) of this
15 section, receives any funds from a settlement or award resulting from
16 a legal action, the additional funds shall be subject to the deductions
17 in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11
18 RCW.

19 (4) The amount deducted from an inmate's funds under subsection (2)
20 of this section shall not exceed the department's total cost of
21 incarceration for the inmate incurred during the inmate's minimum or
22 actual term of confinement, whichever is longer.

23 (5)(a) The deductions required under subsection (2) of this section
24 shall not apply to funds received by the department from an offender or
25 from a third party on behalf of an offender for payment of (~~one fee-~~
26 ~~based)) education or vocational programs (~~that is associated with an~~
27 ~~inmate's work program or a placement decision made by the department~~
28 ~~under RCW 72.09.460 to prepare an inmate for work upon release.~~~~

29 ~~An inmate may, prior to the completion of the fee based education~~
30 ~~or vocational program authorized under this subsection, apply to a~~
31 ~~person designated by the secretary for permission to make a change in~~
32 ~~his or her program. The secretary, or his or her designee, may approve~~
33 ~~the application based solely on the following criteria: (a) The inmate~~
34 ~~has been transferred to another institution by the department for~~
35 ~~reasons unrelated to education or a change to a higher security~~
36 ~~classification and the offender's current program is unavailable in the~~
37 ~~offender's new placement; (b) the inmate entered an academic program as~~
38 ~~an undeclared major and wishes to declare a major. No inmate may apply~~

1 ~~for more than one change to his or her major and receive the exemption~~
2 ~~from deductions specified in this subsection; (c) the educational or~~
3 ~~vocational institution is terminating the inmate's current program; or~~
4 ~~(d) the offender's training or education has demonstrated that the~~
5 ~~current program is not the appropriate program to assist the offender~~
6 ~~to achieve a placement decision made by the department under RCW~~
7 ~~72.09.460 to prepare the inmate for work upon release)) or~~
8 postsecondary education degree programs as provided in RCW 72.09.460
9 and section 502 of this act.

10 (b) The deductions required under subsection (2) of this section
11 shall not apply to funds received by the department from a third party,
12 including but not limited to a nonprofit entity on behalf of the
13 department's education, vocation, or postsecondary education degree
14 programs.

15 (6) The deductions required under subsection (2) of this section
16 shall not apply to any money received by the department, on behalf of
17 an inmate, from family or other outside sources for the payment of
18 postage expenses. Money received under this subsection may only be
19 used for the payment of postage expenses and may not be transferred to
20 any other account or purpose. Money that remains unused in the
21 inmate's postage fund at the time of release shall be subject to the
22 deductions outlined in subsection (2) of this section.

23 (7) When an inmate sentenced to life imprisonment without
24 possibility of release or parole, or to death under chapter 10.95 RCW,
25 receives any funds in addition to his or her gratuities, except
26 settlements or awards resulting from legal action, the additional funds
27 shall be subject to: Deductions of five percent to the public safety
28 and education account for the purpose of crime victims' compensation,
29 twenty percent to the department to contribute to the cost of
30 incarceration, and fifteen percent to child support payments.

31 (8) When an inmate sentenced to life imprisonment without
32 possibility of release or parole, or to death under chapter 10.95 RCW,
33 receives any funds from a settlement or award resulting from a legal
34 action in addition to his or her gratuities, the additional funds shall
35 be subject to: Deductions of five percent to the public safety and
36 education account for the purpose of crime victims' compensation and
37 twenty percent to the department to contribute to the cost of
38 incarceration.

1 (9) The interest earned on an inmate savings account created as a
2 result of the plan in section 4, chapter 325, Laws of 1999 shall be
3 exempt from the mandatory deductions under this section and RCW
4 72.09.111.

5 (10) Nothing in this section shall limit the authority of the
6 department of social and health services division of child support from
7 taking collection action against an inmate's moneys, assets, or
8 property pursuant to chapter 26.23, 74.20, or 74.20A RCW including, but
9 not limited to, the collection of moneys received by the inmate from
10 settlements or awards resulting from legal action.

11 **Sec. 504.** RCW 72.09.450 and 1996 c 277 s 1 are each amended to
12 read as follows:

13 (1) An inmate shall not be denied access to services or supplies
14 required by state or federal law solely on the basis of his or her
15 inability to pay for them.

16 (2) The department shall record all lawfully authorized assessments
17 for services or supplies as a debt to the department. The department
18 shall recoup the assessments when the inmate's institutional account
19 exceeds the indigency standard, and may pursue other remedies to recoup
20 the assessments after the period of incarceration.

21 (3) The department shall record as a debt any costs assessed by a
22 court against an inmate plaintiff where the state is providing defense
23 pursuant to chapter 4.92 RCW. The department shall recoup the debt
24 when the inmate's institutional account exceeds the indigency standard
25 and may pursue other remedies to recoup the debt after the period of
26 incarceration.

27 (4) The department shall record as a debt any loan recorded against
28 an inmate participating in the postsecondary education degree loan
29 program as provided under section 502 of this act. The department
30 shall attempt to recoup the debt not sooner than two years from an
31 inmate's date of release from total or partial confinement and any loan
32 made under this subsection shall not accrue interest at any time. The
33 department may pursue collection of the debt as provided in subsection
34 (5) of this section.

35 (5) In order to maximize the cost-efficient collection of unpaid
36 offender debt existing after the period of an offender's incarceration,
37 the department is authorized to use the following nonexclusive options:

1 (a) Use the collection services available through the department of
2 general administration, or (b) notwithstanding any provision of chapter
3 41.06 RCW, contract with collection agencies for collection of the
4 debts. The costs for general administration or collection agency
5 services shall be paid by the debtor. Any contract with a collection
6 agency shall only be awarded after competitive bidding. Factors the
7 department shall consider in awarding a collection contract include but
8 are not limited to a collection agency's history and reputation in the
9 community; and the agency's access to a local database that may
10 increase the efficiency of its collections. The servicing of an unpaid
11 obligation to the department does not constitute assignment of a debt,
12 and no contract with a collection agency may remove the department's
13 control over unpaid obligations owed to the department.

14 NEW SECTION. **Sec. 505.** (1) The department of corrections and the
15 state board for community and technical colleges, in cooperation with
16 the unions representing academic employees in corrections education
17 programs, shall investigate and review methods to optimize educational
18 and vocational programming opportunities to meet the needs of each
19 offender as identified in his or her individual reentry plan while an
20 offender is under the jurisdiction of the department.

21 (2) In conducting its review, the department and state board shall
22 consider and make recommendations regarding:

23 (a) Technological advances which could serve to expand educational
24 programs and vocational training including, but not limited to,
25 distance learning, satellite instruction, videotape usage, computer
26 aided instruction, and flexible scheduling and also considering the
27 infrastructure, resources, and security that would be needed to
28 implement the program or training. These advances shall be assessed
29 for their ability to provide the most cost-efficient and effective
30 programming for offenders;

31 (b) Methods to ensure that educational programs and vocational
32 training are relevant to enhance the employability of offenders upon
33 release; and

34 (c) Long-term methods for maintaining channels of communication
35 between the department, state board administration, academic employees,
36 and students.

1 (3) The department and state board shall report to the governor and
2 the legislature no later than November 15, 2007.

3 NEW SECTION. **Sec. 506.** (1) The Washington state institute for
4 public policy shall conduct a comprehensive analysis and evaluation of
5 evidence-based, research-based, and promising correctional education
6 programs and the extent to which Washington's programs are in accord
7 with these practices. In gathering data regarding correctional
8 education programs, the institute may consult with academic employees
9 from correctional education programs.

10 (2) The institute shall report to the governor and the legislature
11 no later than November 15, 2007.

12 **PART VI - EMPLOYMENT BARRIERS**

13 NEW SECTION. **Sec. 601.** A new section is added to chapter 82.04
14 RCW to read as follows:

15 (1) Subject to the limits in this section, a credit is authorized
16 against the tax otherwise due under this chapter for persons that
17 employ one or more qualifying ex-offenders.

18 (2) In order to qualify for the tax credit, the person must, within
19 twenty-eight days of the ex-offender's hire date, submit a completed
20 application to the employment security department for certification of
21 the employee as a qualifying ex-offender under this section.

22 (3) The employment security department shall adopt rules and make
23 forms available to persons employing ex-offenders to apply for
24 certification under this section.

25 (4) Credit is only earned when:

26 (a) The person claiming a credit has received certification from
27 the employment security department that the employee is a qualifying
28 ex-offender; and

29 (b) The qualifying ex-offender has worked at least seven hundred
30 eighty hours in the first twelve months following the date the
31 individual was hired by the person claiming the credit under this
32 section.

33 (5) The amount of the credit is equal to one thousand dollars per
34 qualifying ex-offender and may be used against any tax due under this
35 chapter. Credit may only be claimed against taxes due for reporting

1 periods ending after the credit is earned. Unused credit earned in one
2 calendar year may be carried over and claimed against taxes due for the
3 subsequent calendar year. No refunds may be granted for credits under
4 this section that are in excess of taxes due and payable for the
5 reporting period.

6 (6) Submittal of the certification to the department is not
7 required to claim the credit under this section. The person claiming
8 the credit must keep a copy of the certification on file to allow the
9 department to verify eligibility under this section if necessary.

10 (7) A person claiming credit under this section shall not claim
11 credit under section 602 of this act with respect to the same
12 qualifying ex-offender.

13 (8) As used in this section, "qualifying ex-offender" means an
14 individual who: (a) Has been convicted of a felony under any statute
15 of the United States or any state; and (b) is hired by the person
16 claiming the credit under this section within one year of being
17 convicted of the felony or, if the individual served a prison sentence
18 for the conviction, of being released from confinement.

19 NEW SECTION. **Sec. 602.** A new section is added to chapter 82.16
20 RCW to read as follows:

21 (1) A credit is authorized against the tax otherwise due under this
22 chapter for persons that employ one or more qualifying ex-offenders.

23 (2) The provisions for the credit authorized in section 601 of this
24 act apply to this section.

25 (3) A person claiming credit under this section may not claim
26 credit under section 601 of this act with respect to the same
27 qualifying ex-offender.

28 NEW SECTION. **Sec. 603.** On or before October 1, 2007, the
29 department of corrections and the department of licensing shall enter
30 into an agreement establishing expedited procedures to assist offenders
31 in obtaining a driver's license or identification card upon their
32 release from a department of corrections' institution.

33 NEW SECTION. **Sec. 604.** (1) The director of the department of
34 licensing, or the director's designee, shall, within existing
35 resources, convene and chair a work group to review and recommend

1 changes to occupational licensing laws and policies to encourage the
2 employment of individuals with criminal convictions while ensuring the
3 safety of the public.

4 (2) In addition to the director of the department of licensing, the
5 following shall be members of the work group: A representative from
6 the employment security department, a representative from the
7 department of corrections, a representative from the Washington state
8 association of prosecuting attorneys, and up to five members appointed
9 by the governor from state agencies that issue occupational licenses.
10 The department shall also invite participation from victim service
11 agencies, the state board for community and technical colleges,
12 association of Washington business, nonprofit organizations providing
13 workforce training to released offenders, and legislative staff who
14 provide support to the human services and human services and
15 corrections committees. Members of the work group shall serve without
16 compensation.

17 (3) In conducting its review, the work group must:

18 (a) Review approaches used by other states and jurisdictions for
19 awarding occupational licenses to those with criminal convictions;

20 (b) Develop a process and standards by which the department of
21 licensing and licensing agencies will determine whether a criminal
22 conviction renders an applicant an unsuitable candidate for a license
23 or whether a conviction warrants revocation or suspension of a license
24 previously granted;

25 (c) Develop guidelines for potential applicants that reflect the
26 most common or well-known categories of crimes and their relation to
27 specific license types;

28 (d) Establish mechanisms for making information regarding the
29 process and guidelines easily accessible to potential applicants with
30 criminal histories.

31 (4) The department of licensing shall present a report of its
32 findings and recommendations to the governor and the appropriate
33 committees of the legislature, including any proposed legislation, by
34 November 15, 2008.

35 (5) This section expires December 15, 2008.

36 **PART VII - HOUSING**

1 NEW SECTION. **Sec. 701.** The legislature finds that, in order to
2 improve the safety of our communities, more housing needs to be made
3 available to offenders returning to the community. The legislature
4 intends to increase the housing available to offenders by providing
5 that landlords who rent to offenders shall be immune from civil
6 liability for damages that may result from the criminal conduct of the
7 tenant.

8 NEW SECTION. **Sec. 702.** A new section is added to chapter 59.18
9 RCW to read as follows:

10 A landlord who rents to an offender is not liable for civil damages
11 arising from the criminal conduct of the tenant. In order for a
12 landlord to be protected from liability as provided under this section,
13 a landlord must disclose to residents of the property that he or she
14 rents or has a policy of renting to offenders.

15 NEW SECTION. **Sec. 703.** A new section is added to chapter 35.82
16 RCW to read as follows:

17 The legislature recognizes that stable, habitable, and supportive
18 housing is a critical factor that increases a previously incarcerated
19 individual's access to treatment and services as well as the likelihood
20 of success in the community. Housing authorities are therefore
21 encouraged to formulate rental policies that are not unduly burdensome
22 to previously incarcerated individuals attempting to reenter the
23 community, particularly when the individual's family may already reside
24 in government subsidized housing.

25 NEW SECTION. **Sec. 704.** A new section is added to chapter 43.185C
26 RCW to read as follows:

27 (1) The offender reentry transitional housing assistance program is
28 created in the department of community, trade, and economic development
29 to assist homeless offenders secure and retain safe, decent, and
30 affordable housing. Within funds appropriated for the purposes of this
31 section, the department shall provide grants to eligible organizations,
32 as described in RCW 43.185.060, to provide assistance to program
33 participants. The eligible organizations must use grant moneys for:

34 (a) Rental assistance, which includes security or utility deposits,

1 first and last month's rent assistance, and eligible moving expenses to
2 be determined by the department;

3 (b) Case management services designed to assist program
4 participants to secure and retain immediate housing and to transition
5 into permanent housing and greater levels of self-sufficiency;

6 (c) Contracts with supportive housing facilities to exclusively
7 provide housing for homeless offenders. Supportive housing is housing
8 that will provide a structured living environment for offenders to
9 assist an offender in developing the interpersonal and social survival
10 skills necessary to be independent and self-reliant in mainstream
11 society; and

12 (d) Administrative costs of the eligible organization, which must
13 not exceed limits prescribed by the department.

14 (2) Eligible to receive assistance up to twelve months through the
15 offender reentry transitional housing assistance program are offenders
16 who:

17 (a) Will be released or were released within the last six months
18 from a correctional facility operated by the department of corrections;

19 (b) Are homeless or at risk of becoming homeless and have household
20 incomes at or below fifty percent of the median household income for
21 their county;

22 (c) Have not been found to have violated conditions of his or her
23 supervision on two or more separate occasions.

24 (3) In providing assistance, priority shall be given to offenders
25 who are designated as high risk or high needs as well as those
26 determined not to have a viable release plan by the department of
27 corrections.

28 (4) All housing assistance recipients must be willing to create and
29 actively participate in a housing stability plan for achieving
30 permanent housing and greater levels of self-sufficiency.

31 (5) Data on all housing assistance recipients must be entered into
32 and tracked through the Washington homeless client management
33 information system as described in RCW 43.185C.180.

34 (6) The department of corrections shall cooperate with the
35 department in:

36 (a) Determining an appropriate formula for the distribution of
37 grant funds to counties or regions; and

1 (b) Developing rules, requirements, procedures, and guidelines as
2 necessary to implement and operate the offender reentry transitional
3 housing assistance program.

4 (7) The department of corrections shall collaborate with the
5 organization receiving grant funds to:

6 (a) Help identify appropriate housing solutions in the community
7 for offenders;

8 (b) Where possible, facilitate an offender's application for
9 housing prior to discharge;

10 (c) Identify enhancements to training provided to offenders prior
11 to discharge that may assist an offender in effectively transitioning
12 to the community;

13 (d) Maintain communication between the case manager, housing
14 provider, and corrections staff supervising the offender; and

15 (e) Assist the offender in accessing resources and services
16 available through the department of corrections and a community justice
17 center, if one is located in the area.

18 (8) The department shall produce an annual transitional housing
19 operating and rent program report that must be included in the
20 department's homeless housing strategic plan as described in RCW
21 43.185C.040. The report must include performance measures to be
22 determined by the department that address, at a minimum, the following
23 issue areas:

24 (a) The success of the program in helping housing assistance
25 recipients transition into permanent housing and increase their levels
26 of self-sufficiency;

27 (b) The financial performance of the program related to efficient
28 program administration by the department and program operation by
29 selected eligible organizations, including an analysis of the costs per
30 program participant served;

31 (c) The quality, completeness, and timeliness of the information on
32 housing assistance recipients provided to the Washington homeless
33 client management information system database; and

34 (d) The satisfaction of housing assistance recipients in the
35 assistance provided through the program.

36 (9) The state, department of community, trade, and economic
37 development, department of corrections, local governments, local
38 housing authorities, and its employees are not liable for civil damages

1 arising from the criminal conduct of an offender due to the placement
2 of an offender in housing provided under this section or the provision
3 of housing assistance.

4 NEW SECTION. **Sec. 705.** A new section is added to chapter 43.185C
5 RCW to read as follows:

6 The offender reentry transitional housing assistance account is
7 created in the custody of the state treasurer. All receipts from
8 sources directed to the offender reentry transitional housing
9 assistance program must be deposited into the account. Expenditures
10 from the account may be used solely for the purpose of the offender
11 reentry transitional housing assistance program as described in section
12 704 of this act. Only the director of the department of community,
13 trade and economic development or the director's designee may authorize
14 expenditures from the account. The account is subject to allotment
15 procedures under chapter 43.88 RCW, but an appropriation is not
16 required for expenditures.

17 **Sec. 706.** RCW 72.09.111 and 2004 c 167 s 7 are each amended to
18 read as follows:

19 (1) The secretary shall deduct taxes and legal financial
20 obligations from the gross wages, gratuities, or workers' compensation
21 benefits payable directly to the inmate under chapter 51.32 RCW, of
22 each inmate working in correctional industries work programs, or
23 otherwise receiving such wages, gratuities, or benefits. The secretary
24 shall also deduct child support payments from the gratuities of each
25 inmate working in class II through class IV correctional industries
26 work programs. The secretary shall develop a formula for the
27 distribution of offender wages, gratuities, and benefits. The formula
28 shall not reduce the inmate account below the indigency level, as
29 defined in RCW 72.09.015.

30 (a) The formula shall include the following minimum deductions from
31 class I gross wages and from all others earning at least minimum wage:

32 (i) Five percent to the public safety and education account for the
33 purpose of crime victims' compensation;

34 (ii) Ten percent to a department personal inmate savings account;

35 (iii) Twenty percent to the department to contribute to the cost of
36 incarceration; and

1 (iv) Twenty percent for payment of legal financial obligations for
2 all inmates who have legal financial obligations owing in any
3 Washington state superior court.

4 (b) The formula shall include the following minimum deductions from
5 class II gross gratuities:

6 (i) Five percent to the public safety and education account for the
7 purpose of crime victims' compensation;

8 (ii) Ten percent to a department personal inmate savings account;

9 (iii) Fifteen percent to the department to contribute to the cost
10 of incarceration;

11 (iv) Twenty percent for payment of legal financial obligations for
12 all inmates who have legal financial obligations owing in any
13 Washington state superior court; and

14 (v) Fifteen percent for any child support owed under a support
15 order.

16 (c) The formula shall include the following minimum deductions from
17 any workers' compensation benefits paid pursuant to RCW 51.32.080:

18 (i) Five percent to the public safety and education account for the
19 purpose of crime victims' compensation;

20 (ii) Ten percent to a department personal inmate savings account;

21 (iii) Twenty percent to the department to contribute to the cost of
22 incarceration; and

23 (iv) An amount equal to any legal financial obligations owed by the
24 inmate established by an order of any Washington state superior court
25 up to the total amount of the award.

26 (d) The formula shall include the following minimum deductions from
27 class III gratuities:

28 (i) Five percent for the purpose of crime victims' compensation;
29 and

30 (ii) Fifteen percent for any child support owed under a support
31 order.

32 (e) The formula shall include the following minimum deduction from
33 class IV gross gratuities:

34 (i) Five percent to the department to contribute to the cost of
35 incarceration; and

36 (ii) Fifteen percent for any child support owed under a support
37 order.

1 (2) Any person sentenced to life imprisonment without possibility
2 of release or parole under chapter 10.95 RCW or sentenced to death
3 shall be exempt from the requirement under subsection (1)(a)(ii),
4 (b)(ii), or (c)(ii).

5 (3)(a) The department personal inmate savings account, together
6 with any accrued interest, shall only be available to an inmate at the
7 following times:

8 (i) The time of his or her release from confinement(~~(, unless)~~);

9 (ii) Prior to his or her release from confinement in order to
10 secure approved housing; or

11 (iii) When the secretary determines that an emergency exists for
12 the inmate(~~(, at which time the funds can be)~~).

13 (b) If funds are made available pursuant to (a)(ii) or (iii) of
14 this subsection, the funds shall be made available to the inmate in an
15 amount determined by the secretary.

16 (c) The management of classes I, II, and IV correctional industries
17 may establish an incentive payment for offender workers based on
18 productivity criteria. This incentive shall be paid separately from
19 the hourly wage/gratuity rate and shall not be subject to the specified
20 deduction for cost of incarceration.

21 (4)(a) Subject to availability of funds for the correctional
22 industries program, the expansion of inmate employment in class I and
23 class II correctional industries shall be implemented according to the
24 following schedule:

25 (i) Not later than June 30, 2005, the secretary shall achieve a net
26 increase of at least two hundred in the number of inmates employed in
27 class I or class II correctional industries work programs above the
28 number so employed on June 30, 2003;

29 (ii) Not later than June 30, 2006, the secretary shall achieve a
30 net increase of at least four hundred in the number of inmates employed
31 in class I or class II correctional industries work programs above the
32 number so employed on June 30, 2003;

33 (iii) Not later than June 30, 2007, the secretary shall achieve a
34 net increase of at least six hundred in the number of inmates employed
35 in class I or class II correctional industries work programs above the
36 number so employed on June 30, 2003;

37 (iv) Not later than June 30, 2008, the secretary shall achieve a

1 net increase of at least nine hundred in the number of inmates employed
2 in class I or class II correctional industries work programs above the
3 number so employed on June 30, 2003;

4 (v) Not later than June 30, 2009, the secretary shall achieve a net
5 increase of at least one thousand two hundred in the number of inmates
6 employed in class I or class II correctional industries work programs
7 above the number so employed on June 30, 2003;

8 (vi) Not later than June 30, 2010, the secretary shall achieve a
9 net increase of at least one thousand five hundred in the number of
10 inmates employed in class I or class II correctional industries work
11 programs above the number so employed on June 30, 2003.

12 (b) Failure to comply with the schedule in this subsection does not
13 create a private right of action.

14 (5) In the event that the offender worker's wages, gratuity, or
15 workers' compensation benefit is subject to garnishment for support
16 enforcement, the crime victims' compensation, savings, and cost of
17 incarceration deductions shall be calculated on the net wages after
18 taxes, legal financial obligations, and garnishment.

19 (6) The department shall explore other methods of recovering a
20 portion of the cost of the inmate's incarceration and for encouraging
21 participation in work programs, including development of incentive
22 programs that offer inmates benefits and amenities paid for only from
23 wages earned while working in a correctional industries work program.

24 (7) The department shall develop the necessary administrative
25 structure to recover inmates' wages and keep records of the amount
26 inmates pay for the costs of incarceration and amenities. All funds
27 deducted from inmate wages under subsection (1) of this section for the
28 purpose of contributions to the cost of incarceration shall be
29 deposited in a dedicated fund with the department and shall be used
30 only for the purpose of enhancing and maintaining correctional
31 industries work programs.

32 (8) It shall be in the discretion of the secretary to apportion the
33 inmates between class I and class II depending on available contracts
34 and resources.

35 (9) Nothing in this section shall limit the authority of the
36 department of social and health services division of child support from
37 taking collection action against an inmate's moneys, assets, or
38 property pursuant to chapter 26.23, 74.20, or 74.20A RCW.

PART VIII - RESTORATION OF CIVIL RIGHTS

Sec. 801. RCW 29A.04.079 and 2003 c 111 s 114 are each amended to read as follows:

An "infamous crime" is a crime punishable by death in the state penitentiary or imprisonment in a state correctional facility. The definition of "infamous crime" does not include juvenile adjudications pursuant to chapter 13.40 RCW or adult convictions for misdemeanors and gross misdemeanors.

Sec. 802. RCW 29A.08.520 and 2005 c 246 s 15 are each amended to read as follows:

~~(1) ((Upon receiving official notice of a person's conviction of a felony in either state or federal court, if the convicted person is a registered voter in the county, the county auditor shall cancel the defendant's voter registration. Additionally, the secretary of state in conjunction with the department of corrections, the Washington state patrol, the office of the administrator for the courts, and other appropriate state agencies shall arrange for a quarterly comparison of a list of known felons with the statewide voter registration list.))~~
A person who has been convicted of a felony and who is under the jurisdiction of the department of corrections as a result of that felony conviction is ineligible to vote. Following conviction of a felony, the right to vote is provisionally restored as long as the person is not under the jurisdiction of the department of corrections.

(2)(a) Once the right to vote has been provisionally restored, the sentencing court may revoke the provisional restoration of voting rights if the sentencing court determines that a person has willfully failed to comply with the terms of his or her order to pay legal financial obligations.

(b) If the person has failed to make three payments in a twelve-month period and the county clerk or restitution recipient requests, the prosecutor shall seek revocation of the provisional restoration of voting rights from the court.

(c) To the extent practicable, the prosecutor and county clerk shall inform a restitution recipient of the recipient's right to ask for the revocation of the provisional restoration of voting rights.

1 (3) If the court revokes the provisional restoration of voting
2 rights, the revocation shall remain in effect until, upon motion by the
3 person whose provisional voting rights have been revoked, the person
4 shows that he or she has made a good faith effort to pay as defined in
5 RCW 10.82.090.

6 (4) The county clerk shall enter into a database maintained by the
7 administrator for the courts the names of all persons whose provisional
8 voting rights have been revoked, and update the database for any person
9 whose voting rights have subsequently been restored pursuant to
10 subsection (6) of this section.

11 (5) At least twice a year, the secretary of state shall compare the
12 list of registered voters to a list of felons who are not eligible to
13 vote as provided in subsections (1) and (3) of this section. If a
14 (~~person is found on a felon list and the statewide voter registration~~
15 list)) registered voter is not eligible to vote as provided in this
16 section, the secretary of state or county auditor shall confirm the
17 match through a date of birth comparison and suspend the voter
18 registration from the official state voter registration list. The
19 canceled authority shall send to the person at his or her last known
20 voter registration address a notice of the proposed cancellation and an
21 explanation of the requirements for provisionally and permanently
22 restoring the right to vote (~~once all terms of sentencing have been~~
23 completed)) and reregistering. If the person does not respond within
24 thirty days, the registration must be canceled. To the extent
25 possible, the secretary of state shall time the comparison required by
26 this subsection to allow notice and cancellation of voting rights for
27 ineligible voters prior to a primary or general election.

28 ~~((+2))~~ (6) The right to vote may be permanently restored by(~~(, for~~
29 each ~~felony conviction,~~)) one of the following for each felony
30 conviction:

31 (a) A certificate of discharge issued by the sentencing court, as
32 provided in RCW 9.94A.637;

33 (b) A court order restoring the right, as provided in RCW 9.92.066;

34 (c) A final order of discharge issued by the indeterminate sentence
35 review board, as provided in RCW 9.96.050; or

36 (d) A certificate of restoration issued by the governor, as
37 provided in RCW 9.96.020.

1 **Sec. 803.** RCW 9.92.066 and 2003 c 66 s 2 are each amended to read
2 as follows:

3 (1) Upon termination of any suspended sentence under RCW 9.92.060
4 or 9.95.210, such person may apply to the court for restoration of his
5 or her civil rights not already restored by RCW 29A.08.520. Thereupon
6 the court may in its discretion enter an order directing that such
7 defendant shall thereafter be released from all penalties and
8 disabilities resulting from the offense or crime of which he or she has
9 been convicted.

10 (2)(a) Upon termination of a suspended sentence under RCW 9.92.060
11 or 9.95.210, the person may apply to the sentencing court for a
12 vacation of the person's record of conviction under RCW 9.94A.640. The
13 court may, in its discretion, clear the record of conviction if it
14 finds the person has met the equivalent of the tests in RCW
15 9.94A.640(2) as those tests would be applied to a person convicted of
16 a crime committed before July 1, 1984.

17 (b) The clerk of the court in which the vacation order is entered
18 shall immediately transmit the order vacating the conviction to the
19 Washington state patrol identification section and to the local police
20 agency, if any, which holds criminal history information for the person
21 who is the subject of the conviction. The Washington state patrol and
22 any such local police agency shall immediately update their records to
23 reflect the vacation of the conviction, and shall transmit the order
24 vacating the conviction to the federal bureau of investigation. A
25 conviction that has been vacated under this section may not be
26 disseminated or disclosed by the state patrol or local law enforcement
27 agency to any person, except other criminal justice enforcement
28 agencies.

29 **Sec. 804.** RCW 9.94A.637 and 2004 c 121 s 2 are each amended to
30 read as follows:

31 (1)(a) When an offender has completed all requirements of the
32 sentence, including any and all legal financial obligations, and while
33 under the custody and supervision of the department, the secretary or
34 the secretary's designee shall notify the sentencing court, which shall
35 discharge the offender and provide the offender with a certificate of
36 discharge by issuing the certificate to the offender in person or by
37 mailing the certificate to the offender's last known address.

1 (b)(i) When an offender has reached the end of his or her
2 supervision with the department and has completed all the requirements
3 of the sentence except his or her legal financial obligations, the
4 secretary's designee shall provide the county clerk with a notice that
5 the offender has completed all nonfinancial requirements of the
6 sentence.

7 (ii) When the department has provided the county clerk with notice
8 that an offender has completed all the requirements of the sentence and
9 the offender subsequently satisfies all legal financial obligations
10 under the sentence, the county clerk shall notify the sentencing court,
11 including the notice from the department, which shall discharge the
12 offender and provide the offender with a certificate of discharge by
13 issuing the certificate to the offender in person or by mailing the
14 certificate to the offender's last known address.

15 (c) When an offender who is subject to requirements of the sentence
16 in addition to the payment of legal financial obligations either is not
17 subject to supervision by the department or does not complete the
18 requirements while under supervision of the department, it is the
19 offender's responsibility to provide the court with verification of the
20 completion of the sentence conditions other than the payment of legal
21 financial obligations. When the offender satisfies all legal financial
22 obligations under the sentence, the county clerk shall notify the
23 sentencing court that the legal financial obligations have been
24 satisfied. When the court has received both notification from the
25 clerk and adequate verification from the offender that the sentence
26 requirements have been completed, the court shall discharge the
27 offender and provide the offender with a certificate of discharge by
28 issuing the certificate to the offender in person or by mailing the
29 certificate to the offender's last known address.

30 (2) The court shall send a copy of every signed certificate of
31 discharge to the auditor for the county in which the court resides and
32 to the department. The department shall create and maintain a database
33 containing the names of all felons who have been issued certificates of
34 discharge, the date of discharge, and the date of conviction and
35 offense.

36 (3) An offender who is not convicted of a violent offense or a sex
37 offense and is sentenced to a term involving community supervision may
38 be considered for a discharge of sentence by the sentencing court prior

1 to the completion of community supervision, provided that the offender
2 has completed at least one-half of the term of community supervision
3 and has met all other sentence requirements.

4 (4) Except as provided in subsection (5) of this section, the
5 discharge shall have the effect of restoring all civil rights (~~lost by~~
6 ~~operation of law upon conviction~~) not already restored by RCW
7 29A.08.520, and the certificate of discharge shall so state. Nothing
8 in this section prohibits the use of an offender's prior record for
9 purposes of determining sentences for later offenses as provided in
10 this chapter. Nothing in this section affects or prevents use of the
11 offender's prior conviction in a later criminal prosecution either as
12 an element of an offense or for impeachment purposes. A certificate of
13 discharge is not based on a finding of rehabilitation.

14 (5) Unless otherwise ordered by the sentencing court, a certificate
15 of discharge shall not terminate the offender's obligation to comply
16 with an order issued under chapter 10.99 RCW that excludes or prohibits
17 the offender from having contact with a specified person or coming
18 within a set distance of any specified location that was contained in
19 the judgment and sentence. An offender who violates such an order
20 after a certificate of discharge has been issued shall be subject to
21 prosecution according to the chapter under which the order was
22 originally issued.

23 (6) Upon release from custody, the offender may apply to the
24 department for counseling and help in adjusting to the community. This
25 voluntary help may be provided for up to one year following the release
26 from custody.

27 **Sec. 805.** RCW 9.96.050 and 2002 c 16 s 3 are each amended to read
28 as follows:

29 When a prisoner on parole has performed all obligations of his or
30 her release, including any and all legal financial obligations, for
31 such time as shall satisfy the indeterminate sentence review board that
32 his or her final release is not incompatible with the best interests of
33 society and the welfare of the paroled individual, the board may make
34 a final order of discharge and issue a certificate of discharge to the
35 prisoner. The certificate of discharge shall be issued to the offender
36 in person or by mail to the prisoner's last known address.

1 The board shall send a copy of every signed certificate of
2 discharge (~~to the auditor for the county in which the offender was~~
3 ~~sentenced and~~) to the department of corrections. The department shall
4 create and maintain a database containing the names of all felons who
5 have been issued certificates of discharge, the date of discharge, and
6 the date of conviction and offense.

7 The board retains the jurisdiction to issue a certificate of
8 discharge after the expiration of the prisoner's or parolee's maximum
9 statutory sentence. If not earlier granted, the board shall make a
10 final order of discharge three years from the date of parole unless the
11 parolee is on suspended or revoked status at the expiration of the
12 three years. Such discharge, regardless of when issued, shall have the
13 effect of restoring all civil rights (~~lost by operation of law upon~~
14 ~~conviction~~) not already restored by RCW 29A.08.520, and the
15 certification of discharge shall so state. This restoration of civil
16 rights shall not restore the right to receive, possess, own, or
17 transport firearms.

18 The discharge provided for in this section shall be considered as
19 a part of the sentence of the convicted person and shall not in any
20 manner be construed as affecting the powers of the governor to pardon
21 any such person.

22 **Sec. 806.** RCW 10.64.140 and 2005 c 246 s 1 are each amended to
23 read as follows:

24 When a person is convicted of a felony, the court shall require the
25 defendant to sign a statement acknowledging that:

26 (1) The defendant's right to vote has been lost due to the felony
27 conviction;

28 (2) (~~If the defendant is registered to vote, the voter~~
29 ~~registration will be canceled~~) The right to vote is provisionally
30 restored as long as the defendant is not under the jurisdiction of the
31 department of corrections;

32 (3) The provisional right to vote may be revoked if the defendant
33 fails to comply with all the terms of his or her legal financial
34 obligations or an agreement for the payment of legal financial
35 obligations;

36 (~~(+3)~~) (4) The right to vote may be permanently restored by one of
37 the following for each felony conviction:

1 (a) A certificate of discharge issued by the sentencing court, as
2 provided in RCW 9.94A.637;

3 (b) A court order issued by the sentencing court restoring the
4 right, as provided in RCW 9.92.066;

5 (c) A final order of discharge issued by the indeterminate sentence
6 review board, as provided in RCW 9.96.050; or

7 (d) A certificate of restoration issued by the governor, as
8 provided in RCW 9.96.020; and

9 ((4)) (5) Voting before the right is restored is a class C felony
10 under RCW 29A.84.660.

11 NEW SECTION. **Sec. 807.** The following acts or parts of acts are
12 each repealed:

13 (1) RCW 10.64.021 (Notice of conviction) and 1994 c 57 s 1; and

14 (2) RCW 29A.08.660 (Felony offender--Completion of sentence) and
15 2005 c 246 s 12.

16 **PART IX - OVERSIGHT COMMITTEE**

17 NEW SECTION. **Sec. 901.** A new section is added to chapter 72.09
18 RCW to read as follows:

19 (1) There is created the legislative corrections oversight
20 committee for the purpose of monitoring and ensuring compliance with
21 administrative acts, relevant statutes, rules, and policies pertaining
22 to the department of corrections and the treatment and supervision of
23 offenders under the jurisdiction of the department. The committee
24 shall consist of three senators and three representatives from the
25 legislature. The senate members of the committee shall be appointed by
26 the president of the senate. The house members of the committee shall
27 be appointed by the speaker of the house of representatives. Not more
28 than two members from each chamber shall be from the same political
29 party. Members shall be appointed before the close of each regular
30 session of the legislature during an odd-numbered year.

31 (2) The committee shall have the following powers:

32 (a) Selection of its officers and adoption of rules for orderly
33 procedure;

34 (b) Request and receive status reports from the department related
35 to its progress on the recommendations of the joint task force on

1 offenders programs, sentencing and supervision authorized by chapter
2 267, Laws of 2006, implementation of the provisions of this act, and
3 other topics as appropriate;

4 (c) Monitor coordination and collaboration between local government
5 and the department and efforts to share resources and reduce the
6 duplication of services;

7 (d) Request investigations by the corrections ombudsman of
8 administrative acts;

9 (e) Receive reports of the ombudsman;

10 (f)(i) Obtain access to all relevant records in the possession of
11 the department or ombudsman, except as prohibited by law; and (ii) make
12 recommendations to all branches of government;

13 (g) Request legislation;

14 (h) Conduct hearings into such matters as it deems necessary.

15 (3) Upon receipt of records from the department or ombudsman, the
16 committee is subject to the same confidentiality restrictions as the
17 department or ombudsman under Senate Bill No. 5295.

18 (4) The committee will receive the necessary staff support from
19 both the senate and house of representatives staff resources.

20 (5) The members of the committee shall serve without additional
21 compensation, but will be reimbursed for their travel expenses, in
22 accordance with RCW 44.04.120, incurred while attending sessions of the
23 committee or meetings of a subcommittee of the committee, while engaged
24 on other committee business authorized by the committee, and while
25 going to and coming from committee sessions or committee meetings.

26 (6) This section expires July 1, 2012.

27 **PART X - MISCELLANEOUS**

28 NEW SECTION. **Sec. 1001.** Part headings used in this act are not
29 any part of the law.

30 NEW SECTION. **Sec. 1002.** If any provision of this act or its
31 application to any person or circumstance is held invalid, the
32 remainder of the act or the application of the provision to other
33 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 1003.** If specific funding for the purposes of
2 this act, referencing this act by bill or chapter number, is not
3 provided by June 30, 2007, in the omnibus appropriations act, this act
4 is null and void."

2SSB 5070 - S AMD

By Senators Carrell, Regala, Hargrove

ADOPTED AS AMENDED 03/10/2007

5 On page 1, line 1 of the title, after "recidivism;" strike the
6 remainder of the title and insert "amending RCW 72.09.300, 72.09.015,
7 9.94A.728, 9.94A.850, 72.09.460, 72.09.480, 72.09.450, 72.09.111,
8 29A.04.079, 29A.08.520, 9.92.066, 9.94A.637, 9.96.050, and 10.64.140;
9 adding new sections to chapter 4.24 RCW; adding new sections to chapter
10 72.09 RCW; adding a new section to chapter 82.04 RCW; adding a new
11 section to chapter 82.16 RCW; adding a new section to chapter 59.18
12 RCW; adding a new section to chapter 35.82 RCW; adding new sections to
13 chapter 43.185C RCW; adding a new chapter to Title 72 RCW; creating new
14 sections; repealing RCW 10.64.021 and 29A.08.660; and providing
15 expiration dates."

--- END ---